



Region 2

ACKNOWLEDGEMENT OF NOTIFICATION OF HAZARDOUS WASTE ACTIVITY

01/06/2006

This is to acknowledge that you have filed a Notification of Hazardous Waste Activity for the installation located at the address shown in the box below to comply with Section 3010 of the Resource Conservation and Recovery Act (RCRA). Your EPA Identification Number for that installation appears in the box below. The EPA Identification Number must be included on all shipping manifests for transporting hazardous wastes; on all Annual Reports that generators of hazardous waste, and owners and operators of hazardous waste treatment, storage and disposal facilities must file with EPA; on all applications for a Federal Hazardous Waste Permit; and other hazardous waste management reports and documents required under Subtitle C of RCRA.

EPA I.D. NUMBER:	NYR000001420
INSTALLATION NAME:	GENERAL DYNAMICS ARMAMENT & TECHNICAL
INSTALLATION ADDRESS :	1 GARVIES POINT RD GLEN COVE, NY 11542-2828
MAILING ADDRESS :	1 GARVIES POINT RD GLEN COVE, NY 11542-2828

EPA Form 8700-12AB (4-80)

**USEPA - REGION 2
RCRA Programs Branch
290 Broadway, 22nd Floor
New York, NY 10007-1866**

**ATTN: RCRA NOTIFICATIONS
Tel : (212) 637-4106
Fax: (212) 637-3056**

**TO: GENERAL DYNAMICS ARMAMENT & TECHNICAL
or Current Occupant
ATTN: BRIAN FITZGERALD
1 GARVIES POINT RD
GLEN COVE, NY 11542-2828**

SEND COMPLETED**FORM TO:**The Appropriate State or
EPA Regional Office.

United States Environmental Protection Agency

RCRA SUBTITLE C SITE IDENTIFICATION FORM**1. Reason for
Submittal**
(See instructions
on page 13.)MARK ALL BOX(ES)
THAT APPLY**Reason for Submittal:**

- ☐ To provide Initial Notification of Regulated Waste Activity (to obtain an EPA ID Number for hazardous waste, universal waste, or used oil activities)
- ☒ To provide Subsequent Notification of Regulated Waste Activity (to update site identification information)
- ☐ As a component of a First RCRA Hazardous Waste Part A Permit Application
- ☐ As a component of a Revised RCRA Hazardous Waste Part A Permit Application (Amendment # _____)
- ☐ As a component of the Hazardous Waste Report

**2. Site EPA ID
Number (page 14)****EPA ID Number**

N Y R 1 0 0 0 0 0 1 1 4 2 0

3. Site Name
(page 14)Name: General Dynamics Armament and Technical
Products, Inc.**4. Site Location
Information**
(page 14)**Street Address:**

One Garvies Point Road

City, Town, or Village:

Glen Cove

State:

New York

County Name:

Nassau

Zip Code:

11542-2828

5. Site Land Type
(page 14)Site Land Type: ☒ Private ☐ County ☐ District ☐ Federal ☐ Indian ☐ Municipal ☐ State ☐ Other**6. North American
Industry
Classification
System (NAICS)
Code(s) for the Site**
(page 14)**A.**

3 3 6 4 1 3

B.

| | | | |

C.

| | | | |

D.

| | | | |

**7. Site Mailing
Address**
(page 15)**Street or P. O. Box:**

1 Garvies Point Road

City, Town, or Village:

Glen Cove

State:

New York

Country:

USA

Zip Code:

11542

**8. Site Contact
Person**
(page 15)**First Name:**

Brian

MI:

J.

Last Name:

Fitzgerald

Phone Number: 802-657-6209 Extension:

Email address: bjfitzge@gdatp.com

**9. Operator and
Legal Owner
of the Site**
(pages 15 and 16)**A. Name of Site's Operator:**General Dynamics Armament and Technical
Products**Date Became Operator (mm/dd/yyyy):**

June 14, 2002

Operator Type:☒ Private ☐ County ☐ District ☐ Federal ☐ Indian ☐ Municipal ☐ State ☐ Other**B. Name of Site's Legal Owner:**

Grill Leasing Corp.

Date Became Owner (mm/dd/yyyy):

Unknown

Owner Type:☒ Private ☐ County ☐ District ☐ Federal ☐ Indian ☐ Municipal ☐ State ☐ Other

EPA ID NO: NYR000001420

OMB#: 2050-0028 Expires 1/31/2006

9. Legal Owner (Continued) Address	Street or P. O. Box: <u>90 Pound Hollow Road</u>	
	City, Town, or Village: <u>Old Brookville,</u>	
	State: <u>New York</u>	
	Country: <u>U.S.A</u>	Zip Code: <u>11545</u>

10. Type of Regulated Waste Activity

Mark "Yes" or "No" for all activities; complete any additional boxes as instructed. (See instructions on pages 17 to 20.)

A. Hazardous Waste Activities

Complete all parts for 1 through 6.

Y ☐ N ☒ 1. Generator of Hazardous Waste

If "Yes", choose only one of the following - a, b, or c.

- ☐ a. LQG: Greater than 1,000 kg/mo (2,200 lbs./mo.)
of non-acute hazardous waste; or
- ☐ b. SQG: 100 to 1,000 kg/mo (220 - 2,200 lbs./mo.)
of non-acute hazardous waste; or
- ☐ c. CESQG: Less than 100 kg/mo (220 lbs./mo.)
of non-acute hazardous waste

In addition, indicate other generator activities.

Y ☐ N ☒ d. United States Importer of Hazardous WasteY ☐ N ☒ e. Mixed Waste (hazardous and radioactive) GeneratorY ☐ N ☒ 2. Transporter of Hazardous WasteY ☐ N ☒ 3. Treater, Storer, or Disposer of

Hazardous Waste (at your site) Note:

A hazardous waste permit is required for
this activity.Y ☐ N ☒ 4. Recycler of Hazardous Waste (at your
site)Y ☐ N ☒ 5. Exempt Boiler and/or Industrial
Furnace

If "Yes", mark each that applies.

- ☐ a. Small Quantity On-site Burner
Exemption
- ☐ b. Smelting, Melting, and Refining
Furnace Exemption

Y ☐ N ☒ 6. Underground Injection Control

B. Universal Waste Activities

Y ☐ N ☒ 1. Large Quantity Handler of Universal Waste (accumulate
5,000 kg or more) [refer to your State regulations to
determine what is regulated]. Indicate types of universal
waste generated and/or accumulated at your site. If "Yes",
mark all boxes that apply:

	<u>Generate</u>	<u>Accumulate</u>
--	-----------------	-------------------

- | | | |
|--------------------------|--------------------------|--------------------------|
| a. Batteries | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Pesticides | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Thermostats | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Lamps | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Other (specify) _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Other (specify) _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Other (specify) _____ | <input type="checkbox"/> | <input type="checkbox"/> |

Y ☐ N ☒ 2. Destination Facility for Universal Waste

Note: A hazardous waste permit may be required for this activity.

C. Used Oil Activities

Mark all boxes that apply.

Y ☐ N ☒ 1. Used Oil Transporter

If "Yes", mark each that applies.

- ☐ a. Transporter
- ☐ b. Transfer Facility

Y ☐ N ☒ 2. Used Oil Processor and/or Re-refiner

If "Yes", mark each that applies.

- ☐ a. Processor
- ☐ b. Re-refiner

Y ☐ N ☒ 3. Off-Specification Used Oil BurnerY ☐ N ☒ 4. Used Oil Fuel Marketer

If "Yes", mark each that applies.

- ☐ a. Marketer Who Directs Shipment of
Off-Specification Used Oil to
Off-Specification Used Oil Burner
- ☐ b. Marketer Who First Claims the
Used Oil Meets the Specifications

11. Description of Hazardous Wastes (See instructions on page 21.)

None as of 12/15/2005

A. Waste Codes for Federally Regulated Hazardous Wastes. Please list the waste codes of the Federal hazardous wastes handled at your site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more spaces are needed.

B. Waste Codes for State-Regulated (i.e., non-Federal) Hazardous Wastes. Please list the waste codes of the State-regulated hazardous wastes handled at your site. List them in the order they are presented in the regulations. Use an additional page if more spaces are needed for waste codes.

12. Comments (See instructions on page 21.)

All operations which generate hazardous waste discontinued as of December 9, 2005. Site operations will terminate as of December 31, 2005. Business is being sold and equipment removed from premises

13. Certification. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. For the RCRA Hazardous Waste Part A Permit Application, all operator(s) and owner(s) must sign (see 40 CFR 270.10 (b) and 270.11). (See instructions on page 21.)

Signature of operator, owner, or an authorized representative	Name and Official Title (type or print)	Date Signed (mm/dd/yyyy)
Brian J. Biegel	Senior EHS Manager	12/13/2005

GENERAL DYNAMICS

Armament and Technical Products

ENVIRONMENTAL PROTECTION
AGENCY, REGION II

2005 DEC 16 AM 8:17

RCRA PROGRAMS
BRANCH

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

December 13, 2005

Attn: RCRA Notifications
Jack Hoyt
US Environmental Protection Agency - Region 2
DEPP-RPB
290 Broadway, 22nd Floor
New York, NY 10007-1866

RE: General Dynamics Armament and Technical Products Facility EPA ID# **NYR000001420**
Termination of Hazardous Waste Generation Operations – One Garvies Point Road, Glen Cove,
New York

Dear Mr. Hoyt:

I am writing to notify the United States Environmental Protection Agency (EPA), Region 2, that General Dynamics Armament and Technical Products (GDATP) discontinued all remaining operations that generate hazardous waste at its Glen Cove facility as of December 9, 2005. GDATP is closing all operations at its facility located at 1 Garvies Point Road, Glen Cove, New York by the end of the year. Please update our EPA ID No: NYR000001420 to reflect the discontinuance of our operations at your earliest convenience. An updated EPA RCRA Subtitle C Site Identification Form is enclosed.

If any further information is required, please inform me as soon as possible at 802-657-6209. Thank you for your attention to this notification.

Sincerely,



Brian J. Fitzgerald
Senior Manager, Environmental Health and Safety

cc: Katy Murphy, NYSDEC, Region I, Div. Solid & Hazardous Materials
Mike Quaglino, EHS Manager, GDATP
Nick Andrianas, NAC Consultants

enclosure

128 Lakeside Avenue
Burlington, VT 05401
Tel: 802 657 6209
Fax: 802 657 6009
bjfitzge@gdatp.com

RCRA Site Detail

Report run on: December 28, 2005 - 12:07 PM

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NYR000001420 GDATP-GLEN COVE OPERATIONS

EPA Region 02 Extract Flag: X Facility Identifier: County: NASSAU

Basic Notes: EXTRACT_FLAG UPDATED OCT 2003 VIA SQL

Universes	Full Enforcement: ----	Subj CA:	Perm Prgrs: ----	Op Pmt GPRA:
Generator: LQG	Operating TSDF: ----	Subj CA TSD 3004:	Perm Wrkld: ----	PClos GPRA:
Transporter:	BOYSNC:	Subj CA TSD Discr:	Clos Wrkld: ----	CA GPRA:
	SNC:	Subj CA Non-TSD:	Pclos Wrkld: ----	CA HE EI:
	Annual BOY Enf:	CA Wrkld:	Controls in Place: No	CA GW EI:

Activity Location: NY Source Type: Biennial Report Seq. Number: 4 Receive Date: 26 FEB 2004 Report Cycle: 2003

Other/Previous Site Name: GDATP-GLEN COVE OPERATIONS

Location GARVIES POINT RD
Address: GLEN COVE, NY 11542-2828

Mailing Address: GARVIES POINT RD
GLEN COVE, NY 11542-2828
UNITED STATES

Contact Person MICHAEL J. QUAGLINO UNITED STATES
For Source (516) 671-9000 ext. 122
Information MQUAGLINO@GDATP.COM

Owner (current) POUND HOLLOW RD Type: Private
GDATP OLD BROOKVILLE, NY 11545
From: 06/01/2002 To: OLD BROOKVILLE Phone:

Operator (current) POUND HOLLOW RD Type: Private
GRILL LEASING CORP OLD BROOKVILLE, NY 11545
From: 12/31/1979 To: OLD BROOKVILLE Phone:

Land Type: Private Non Notifier: No Commercial Availability: Unknown Tsd Date:
Accessibility: No. Employees: State District:

NAICS Codes: 325211 Plastics Material and Resin Manufacturing

Notes: NY

Regulated Waste Activities

Hazardous Waste Generator Status - Federal: Large Quantity Generator; State: NY-1 Large Quantity Generator

Transfer Facility:

Used Oil Activities

Other Hazardous Waste Generator Activities		Used Oil Activities		
Importer Activity:	No	Used Oil Transporter Activity	Off-Specification Used Oil Burner:	No
Mixed Waste Generator:	No	Transporter:	Used Oil Fuel Marketer Activity	
		Transfer Facility:	Marketer who directs shipment	
Transporter Activity:	No		off-specification used oil to	
TSD Activity:	No	Used Oil Processor and/or	off-specification used oil burner:	No
Recycler Activity:	No	Re-refiner Activity		
		Processor:	Marketer who first claims the used	
		Refiner:	oil meets the specifications:	No
Exempt Boiler and/or Industrial Furnace				
Small Quantity Onsite Burner Exemption:	No	Underground	Destination Facility for	
Smelting, melting, Refining Furnace		Injection Control:	Universal Waste:	No
Exemption:	No			

Universal Waste Activities:

Description	Generated	Accumulated
Batteries	N	N
Lamps	N	N
Pesticides	N	N
Thermostats	N	N

Description of Hazardous Wastes (as reported on Site Identification Form)

EPA Waste Codes: D001, D002, D007, D022, D039, F003, F005, U080

Biennial Report Information

Total Quantity Reported (Tons): Generated: 15,831 Managed: 15,810 Shipped: 21 Received: 0

Top 10 GM Forms Summary by Largest Quantity of Hazardous Waste Generated (All quantities are in tons)

Generated	Managed	Onsite Management Methods	Shipped	Offsite Management Methods
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RCRA Site Detail

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NYR000001420 GDATP-GLEN COVE OPERATIONS

Continued...

Top 10 GM Forms Summary - continued (All quantities are in tons)

Generated	Managed	Onsite Management Methods	Shipped	Offsite Management Methods
WASTE FILTER CAKE FROM WATER TREATMENT CONTAINS CHROME	8	0		8 H111 - STABILIZATION OR CHEMICAL FIXATION
EPA Waste Codes: D007				
WASTE SOLVENT FROM CLEANING PROCESS EQUIPMENT	5	0		5 H050 - ENERGY RECOVERY
EPA Waste Codes: D001, F003				
WASTE AND OUT OF SHELF LIFE RESINS, HARDNERS AND ASSOCIATED ITEMS	3	0		3 H040 - INCINERATION
EPA Waste Codes: D001, D022, U080				
WASTE PAINT RELATED MATERIALS	3	0		3 H050 - ENERGY RECOVERY
EPA Waste Codes: D001, F005				
WASTE CORROSIVE MATERIAL OUT OF SHELF LIFE	1	0		1 H040 - INCINERATION
EPA Waste Codes: D002				
WASTE PERCH. FROM VAPOR DEGREASING	1	0		1 H020 - SOLVENTS RECOVERY
EPA Waste Codes: D039				

Activity Location: NY Source Type: Notification Seq. Number: 2 Receive Date: 01 JUL 2002

Other/Previous Site Name: GENERAL DYNAMICS

Location 1 GARVIES POINT RD
Address: GLEN COVE, NY 11542-2828

Mailing 1 GARVIES POINT RD
Address: GLEN COVE, NY 11542

Contact Person MICHAEL QUAGLINO 1 GARVIES POINT RD
For Source (516) 671-9000 GLEN COVE, NY 11542
Information

Owner (current) 1 GARVIES POINT RD Type: Private
LUNN INDUSTRIES INC GLEN COVE, NY 11542
From: 01/01/0001 To: Phone: (516) 671-9000

Land Type: Private Non Notifier: No Commercial Availability: Other - U Tsd Date:
Accessibility: No. Employees: State District: NYSDEC R1

Notes: Update 10/03 to ensure Leg_Dist is associated with correct Counties

Regulated Waste Activities

Hazardous Waste Generator Status - Federal: Small Quantity Generator; State:

Transfer Facility: Unknown

Used Oil Activities

Other Hazardous Waste Generator Activities

Used Oil Transporter Activity Off-Specification Used Oil Burner: No

Importer Activity: Unknown
Mixed Waste Generator: Unknown

Transporter: No
Transfer Facility: No

Used Oil Fuel Marketer Activity
Marketer who directs shipment
off-specification used oil to
off-specification used oil burner: No

Transporter Activity: No
TSD Activity: No
Recycler Activity: No

Used Oil Processor and/or
Re-refiner Activity

Processor: No
Refiner: No

Marketer who first claims the used
oil meets the specifications: No

Exempt Boiler and/or Industrial Furnace

Small Quantity Onsite Burner Exemption: Unknown
Smelting, melting, Refining Furnace
Exemption: Unknown

Underground
Injection Control: No

Destination Facility for
Universal Waste:

Description of Hazardous Wastes (as reported on Site Identification Form)

EPA Waste Codes: D001, D002, F001, F003, F005

Activity Location: NY Source Type: Biennial Report Seq. Number: 3 Receive Date: 01 JAN 2001 Report Cycle: 1999

RCRA Site Detail

Report run on: December 28, 2005 - 12:07 PM

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NYR000001420 GDATP-GLEN COVE OPERATIONS

Continued...

Other/Previous Site Name: LUNN INDUSTRIES INC

Location 1 GARVIES POINT RD
Address: GLEN COVE, NY 11542-2828

Mailing 1 GARVIES POINT RD
Address: GLEN COVE, NY 11542-2828

Contact Person MICHAEL QUAGLINO
For Source (516) 671-9000
Information

Land Type: Bad code - U Non Notifier: No Commercial Availability: Other - U Tsd Date:
Accessibility: No. Employees: State District: NYSDEC R1

NAICS Codes: 332999 All Other Miscellaneous Fabricated Metal Product Manufacturing

Notes: Update 10/03 to ensure Leg_Dist is associated with correct Counties

Regulated Waste Activities

Hazardous Waste Generator Status - Federal: Large Quantity Generator; State:

Transfer Facility: Unknown

Used Oil Activities

Other Hazardous Waste Generator Activities

Importer Activity: Unknown
Mixed Waste Generator: Unknown

Transporter Activity: Unknown
TSD Activity: No
Recycler Activity: Unknown

Exempt Boiler and/or Industrial Furnace

Small Quantity Onsite Burner Exemption: Unknown
Smelting, melting, Refining Furnace Exemption: Unknown

Used Oil Transporter Activity

Transporter: Unknown
Transfer Facility: Unknown

Used Oil Processor and/or Re-refiner Activity

Processor: Unknown
Refiner: Unknown

Off-Specification Used Oil Burner:

Unknown

Used Oil Fuel Marketer Activity

Marketer who directs shipment off-specification used oil to off-specification used oil burner: Unknown

Marketer who first claims the used oil meets the specifications: Unknown

Underground Injection Control: Unknown

Destination Facility for Universal Waste: Unknown

Biennial Report Information

Total Quantity Reported (Tons): Generated: 30,738 Managed: 30,725 Shipped: 13 Received: 0

Top 10 GM Forms Summary by Largest Quantity of Hazardous Waste Generated (All quantities are in tons)

Generated	Managed	Onsite Management Methods	Shipped	Offsite Management Methods
7	0	WASTE CORROSIVE LIQUID CONTAINS CHROME	7	H071 - CHEMICAL REDUCTION
EPA Waste Codes: D002, D007				
4	0	WASTE PAINT RELATED MATERIAL FROM CLEANERY	4	H050 - ENERGY RECOVERY
EPA Waste Codes: D001, F005				
2	0	WASTE CORROSIVE LIQUIDS	2	H071 - CHEMICAL REDUCTION
EPA Waste Codes: D002				
1	0	HAZARDOUS WASTE SOLID FROM WATER TREATMENT, CONTAINS CHROME	1	H071 - CHEMICAL REDUCTION
EPA Waste Codes: D007, F019				

Activity Location: NY Source Type: Biennial Report Seq. Number: 2 Receive Date: 27 FEB 1998 Report Cycle: 1997

Other/Previous Site Name: LYNN INDUSTRIES

Location 1 GARVIES POINT RD
Address: GLEN COVE, NY 11542-2828

Mailing 1 GARVIES POINT RD
Address: GLEN COVE, NY 11542-2828

Contact Person MICHAEL J QUAGLINO
For Source (516) 671-9000
Information

Land Type: Bad code - U Non Notifier: No Commercial Availability: Other - U Tsd Date:
Accessibility: No. Employees: State District: NYSDEC R1

NAICS Codes: 332999 All Other Miscellaneous Fabricated Metal Product Manufacturing

RCRA Site Detail

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NYR000001420 GDATEP-GLEN COVE OPERATIONS

Continued...

Notes: Update 10/03 to ensure Leg_Dist is associated with correct Counties

Regulated Waste Activities

Hazardous Waste Generator Status - Federal: Large Quantity Generator; State:

Transfer Facility: Unknown

Used Oil Activities

Other Hazardous Waste Generator Activities

Used Oil Transporter Activity

Off-Specification Used Oil Burner:

Unknown

Importer Activity: Unknown

Transporter: Unknown

Used Oil Fuel Marketer Activity

Mixed Waste Generator: Unknown

Transfer Facility: Unknown

Marketer who directs shipment
off-specification used oil to
off-specification used oil burner:

Unknown

Transporter Activity: Unknown

Used Oil Processor and/or Re-refiner Activity

TSD Activity: No

Processor: Unknown

Marketer who first claims the used
oil meets the specifications:

Unknown

Recycler Activity: Unknown

Refiner: Unknown

Exempt Boiler and/or Industrial Furnace

Small Quantity Onsite Burner Exemption: Unknown

Underground Injection Control:

Unknown

Destination Facility for
Universal Waste:

Unknown

Smelting, melting, Refining Furnace
Exemption: Unknown

Biennial Report Information

Total Quantity Reported (Tons): Generated: 17,353 Managed: 17,337 Shipped: 16 Received: 0

Top 10 GM Forms Summary by Largest Quantity of Hazardous Waste Generated (All quantities are in tons)

Generated	Managed	Onsite Management Methods	Shipped	Offsite Management Methods
SPENT SOLVENT FROM CLEANING				
4	0		4	H050 - ENERGY RECOVERY
EPA Waste Codes: F003				
WASTE PAINT RELATED MATERIALS FROM CLEANING				
4	0		4	H050 - ENERGY RECOVERY
EPA Waste Codes: F005				
WASTE CEMENT FROM REFURBISHMENT OF ANODIZE LINE (CHROME)				
2	0		2	H132 - LANDFILL OR SURFACE IMPOUNDMENT
EPA Waste Codes: D007				
OUT OF DATE CORROSIVES (ACIDS)				
2	0		2	H129 - OTHER TREATMENT
EPA Waste Codes: D002				
OUT OF DATE MATERIAL - WASTE POLYESTER RESIN				
2	0		2	H050 - ENERGY RECOVERY
EPA Waste Codes: D001				
SOLID WASTE FROM WATER TREATMENT CONTAINS CHROMIUM				
1	0		1	H071 - CHEMICAL REDUCTION
EPA Waste Codes: D007, F019				
WASTE MATERIAL FROM ANODIZE LINE (CHROME)				
1	0		1	H071 - CHEMICAL REDUCTION
EPA Waste Codes: D007				
WASTE OIL (OUTDATED MATERIAL)				
1	0		1	H050 - ENERGY RECOVERY
EPA Waste Codes: D001				
ISOPROPAL ALCOHOL (OUTDATED MATERIAL)				
0	0		0	H050 - ENERGY RECOVERY
EPA Waste Codes: D001				

Activity Location: NY Source Type: Biennial Report Seq. Number: 1 Receive Date: 26 MAR 1996 Report Cycle: 1995

Other/Previous Site Name: LUNN INDUSTRIES INC

Location 1 GARVIES POINT RD
Address: GLEN COVE, NY 11542-2828

Mailing 1 GARVIES POINT RD
Address: GLEN COVE, NY 11542-2828

Contact Person MICHAEL J QUAGLINO
For Source (516) 671-9000 ext. 9999
Information

RCRA Site Detail

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NYR000001420 GDATP-GLEN COVE OPERATIONS

Continued...

Land Type: Bad code - U Non Notifier: No Commercial Availability: Other - U Tsd Date:
 Accessibility: No. Employees: State District: NYSDEC R1

NAICS Codes: 325991 Custom Compounding of Purchased Resins

Notes: Update 10/03 to ensure Leg_Dist is associated with correct Counties

Regulated Waste Activities

Hazardous Waste Generator Status - Federal: Large Quantity Generator; State:

Transfer Facility:	Unknown	Used Oil Activities		
Other Hazardous Waste Generator Activities		Used Oil Transporter Activity	Off-Specification Used Oil Burner:	Unknown
Importer Activity:	Unknown	Transporter:	Unknown	
Mixed Waste Generator:	Unknown	Transfer Facility:	Unknown	
Transporter Activity:	Unknown	Used Oil Processor and/or	Used Oil Fuel Marketer Activity	
TSD Activity:	No	Re-refiner Activity	Marketer who directs shipment	
Recycler Activity:	Unknown		off-specification used oil to	
			off-specification used oil burner:	Unknown
Exempt Boiler and/or Industrial Furnace		Processor:	Marketer who first claims the used	
Small Quantity Onsite Burner Exemption:	Unknown	Refiner:	oil meets the specifications:	Unknown
Smelting, melting, Refining Furnace				
Exemption:	Unknown	Underground	Destination Facility for	
		Injection Control:	Universal Waste:	Unknown

Biennial Report Information

Total Quantity Reported (Tons): Generated: 11,143 Managed: 11,134 Shipped: 9 Received: 0

Top 10 GM Forms Summary by Largest Quantity of Hazardous Waste Generated (All quantities are in tons)

Generated	Managed	Onsite Management Methods	Shipped	Offsite Management Methods
5	0		5	H050 - ENERGY RECOVERY
WASTE PAINT RELATED MATERIALS				
EPA Waste Codes: F005				
1	0		1	H071 - CHEMICAL REDUCTION
WASTE CORROSIVE LIQUID FROM METAL PROCESSING (CHROMIC ACID)				
EPA Waste Codes: D002				
1	0		1	H050 - ENERGY RECOVERY
WASTE KEROSENE SOLUTION				
EPA Waste Codes: D001				
1	0		1	H071 - CHEMICAL REDUCTION
WASTE WATER TREATMENT CONTAINS CHROMIUM.				
EPA Waste Codes: D007, F019				

Activity Location: NY Source Type: Notification Seq. Number: 1 Receive Date: 07 MAR 1995

Other/Previous Site Name: GENERAL DYNAMICS

Location 1 GARVIES POINT RD
 Address: GLEN COVE, NY 11542-2828

Mailing 1 GARVIES POINT RD
 Address: GLEN COVE, NY 11542

Land Type: Private Non Notifier: No Commercial Availability: Other - U Tsd Date:
 Accessibility: No. Employees: State District: NYSDEC R1

Notes: Update 10/03 to ensure Leg_Dist is associated with correct Counties

RCRA Site Detail

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NYR000001420 GDATP-GLEN COVE OPERATIONS

Continued...

Regulated Waste Activities

Hazardous Waste Generator Status - Federal: Large Quantity Generator; State:

Transfer Facility: Unknown

Other Hazardous Waste Generator Activities

Importer Activity: Unknown
Mixed Waste Generator: Unknown

Transporter Activity: No
TSD Activity: No
Recycler Activity: No

Exempt Boiler and/or Industrial Furnace

Small Quantity Onsite Burner Exemption: Unknown
Smelting, melting, Refining Furnace Exemption: Unknown

Used Oil Activities

Used Oil Transporter Activity Off-Specification Used Oil Burner: No

Transporter: No
Transfer Facility: No

Used Oil Fuel Marketer Activity

Marketer who directs shipment
off-specification used oil to
off-specification used oil burner: No

Used Oil Processor and/or Re-refiner Activity

Processor: No
Refiner: No

Marketer who first claims the used
oil meets the specifications: No

Underground
Injection Control: No

Destination Facility for
Universal Waste:

* End of Report *



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUN 01 1999

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Mike Quaglino
Purchasing Manager
Lunn Industries, a Division of ATP Inc.
1 Garvies Point Road,
Glen Cove, NY, 11542-2828

Re: Notice of Violation
Lunn Industries Hazardous Waste Storage Facility
EPA I.D. No. NYR000001420

Dear Mr. Quaglino:

This Notice of Violation is issued pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. §§ 6901, 6928.

Pursuant to RCRA, as amended by HSWA, the U. S. Environmental Protection Agency (EPA) promulgated rules, regulations, and standards governing the handling and management of hazardous waste as set forth in 40 C.F.R. Parts 260-272, used oil in 40 C.F.R. Part 279, and underground storage tanks in Parts 280-282.

For the purposes of this Notice of Violation, the hazardous waste regulations governing the generation of hazardous waste were promulgated in 1980 and amended by HSWA in 1984. Rules, regulations, and standards governing the generation of used oil were promulgated in 1992 and amended in 1993 (F.R. vol. 58 #83 pages 26420 through 26426).

The State of New York is authorized by EPA to conduct a hazardous waste program under Section 3006 of RCRA, 42 U.S.C. § 6926 and is authorized to enforce RCRA. EPA has retained its authority to enforce the hazardous waste rules and regulations in the State of New York.

On or about May 6, 1999, pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, a duly authorized representative of EPA conducted a RCRA Hazardous Waste Compliance Evaluation Inspection (CEI) of Lunn Industries a Division of ATP Inc., located in Glen Cove, N.Y.

As a result of the CEI, the following violations of the RCRA regulations were found:

1. 6NYCRR § 372.2(a)(8)(ii) and 6NYCRR § 373-1.1(d)(1)(iv)('d') and 6NYCRR § 373-3.3(c) Required Equipment: An internal communications or alarm system.

- At the time of the inspection, Lunn Industries did not have an internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel. The hazardous waste storage area is in a remote location relative to the rest of the facility.

2. 6NYCRR § 372.2(a)(8)(ii) and 6NYCRR § 373-1.1(d)(1)(iv)('d') and 6NYCRR § 373-3.4(e) Amendment of contingency plan: the facility must review the contingency plan and immediately amend it, if necessary, whenever the list of emergency coordination changes.

- At the time of the inspection, the contingency plan was reviewed and it was found out that LILCO is listed as an emergency contact.

3. 6NYCRR § 372.2 (a)(2) require that a person who generates a solid waste must determine if that waste is a hazardous waste using the following method:

- (i) first determine if the waste is excluded from regulation under section 371.1(e), exclusions, of Title 6 NYCRR;
- (ii) then determine if the waste is listed as a hazardous waste in section 371.4 of Title 6 NYCRR;
- (iii) for purposes of compliance with Part 376 of this title or if the waste is not listed as a hazardous waste in section 371.4 of this Title, the generator must then determine whether the waste is identified in section 371.3 of this Title by either:
 - (a) testing the waste according to the methods set forth in Appendix 19, 20 or 21, infra, or according to an equivalent method approved under section 370.3(b) of this title; or

(b) applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.

- At the time of the inspection Lunn had not made a determination of whether the influent to the industrial wastewater treatment plant is a hazardous waste.

If you have not already done so, you must take immediate action to correct the violations described above. Please submit, within thirty (30) days of the receipt of this correspondence, any documentation to demonstrate that these violations have been corrected and how they were corrected.

Lunn Industries a Division of ATP Inc., must send the documentation necessary to demonstrate compliance with these requirements to:

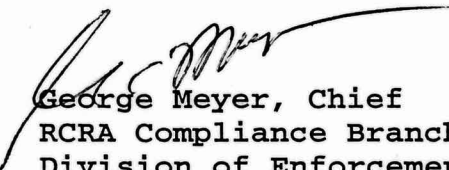
Miss. Marianna Dominguez,
Environmental Engineer, RCRA Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway, 22nd floor
New York, New York 10007-1866

Failure to comply and submit the documentation requested in this Notice of Violation may subject you and/or your company to the enforcement provisions of Section 3008 of RCRA, 42 U.S.C. § 6928.

Please be reminded that adequate training of Lunn Industries' employees engaged in handling hazardous waste is necessary in order to avoid future violations of the RCRA program which can lead to a formal enforcement action.

If you have any questions regarding this matter, please contact Miss Marianna Dominguez at (212) 637-4154.

Sincerely yours,



George Meyer, Chief
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance

cc: Sal Carlomagno, Supervisor
Hazardous Waste Compliance Unit, NYSDEC.

bcc: Marianna Dominguez, RCB-HWCS
Joel Golumbek, Chief, HWCS
RCRA files

FEB 05 1998

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael Quaglino, Materials Manager
Lunn Industries, Inc.
1 Garvies Point Road
Glen Cove, New York 11542-2828

RE: RCRA Section 3007 Information Request
Lunn Industries, Inc

Dear Mr. Quaglino:

The U.S. Environmental Protection Agency (EPA) is charged with the protection of health and the environment under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 and the Hazardous and Solid Waste Amendments of 1984 (RCRA), 42 U.S.C. § 6901 et seq.

Pursuant to the provisions of Section 3007 of RCRA, 42 U.S.C. § 6927, EPA may require parties who handle or have handled hazardous waste to provide information relating to such wastes. Pursuant to the above statutory provisions, EPA hereby requires that you provide the information requested in Attachment II to this letter, using the instructions and definitions included in Attachment I. This information is required to evaluate the compliance status of Lunn Industries, Inc.

Please provide the information requested no later than thirty (30) calendar days from receipt of this letter. Requests for additional time must be made within ten (10) calendar days of receipt of this letter, and must be justified. The response must be signed by a responsible official or agent of your company.

The response to the request in the Attachment must be mailed to the following addressee:

Miss. Marianna Dominguez
Environmental Engineer
U.S. Environmental Protection Agency - Region 2
Division of Enforcement Compliance Assistance
RCRA Compliance Branch
290 Broadway, 22nd Floor
New York, New York 10007-1866

You may, if you so desire, assert a business confidentiality claim covering all or part of the information herein requested. The claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret", "proprietary", or "company confidential". The claim should set forth the information requested in 40 Code of Federal Regulations (40 C.F.R.) Section 2.204(e)(4). Information covered by such a claim will be disclosed by EPA only to the extent permitted by, and by means of procedures set forth in, 40 C.F.R. Part 2. EPA will review the information to determine the extent of confidentiality of the information, and may, at its discretion, challenge the confidentiality claim pursuant to the procedures set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

This information request is not subject to the requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501 et seq., as amended.

Failure to respond in full to this requirement is a violation of RCRA and may result in federal enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

If you have any questions about this letter, please call Marianna Dominguez of my staff at telephone number (212) 637-4154.

Sincerely yours,

Original signed by
Conrad Simon

Conrad Simon, Director
Division of Enforcement and Compliance Assistance

Enclosures

bcc: George Meyer, 2DECA-RCB
Marianna Dominguez, 2DECA-RCB
Hanna Maciejko, 2DEPP-RPB
Sharry Hammond, ORC-WTSB

ATTACHMENT I
Instructions and Definitions

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of the company or facility. The signatory must complete and return the attached Certification of Answers to Responses to Request for Information.
2. A complete response must be made to each individual question in this request for information. Identify each answer with the number of the question to which it is addressed.
3. In preparing your response to each question, consult with all present and former employees and agents of the company or facility who you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
- 5.. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number of the question to which it applies.
8. If anything is deleted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion.

9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. The company and/or facility for the purposes of this Request for Information is Lunn Industries, Inc.
11. A generator of hazardous waste for the purposes of this Request for Information shall be defined as any person (which includes this facility), by site, whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation.
12. Hazardous waste shall be defined for the purposes of this Request for Information as that term is defined in Section 1004(5) of RCRA, as amended, 42 U.S.C. Section 6903(5).
13. Manage shall be defined for the purposes of this Request for Information as to market, generate, treat, store, dispose or otherwise handle.

ATTACHMENT II

1. Please submit a copy of each of the following Personnel Training records and documents:
 - a. the job title for each position at the facility related to hazardous waste management and the name of the employee filling each job for the past two (2) years;
 - b. a written job description for each of the positions referenced in 1.a., including the requisite skill, education, or other qualifications, and duties of employees assigned to each position;
 - c. the document that contains the written description of the type and amount of both introductory and continuing training given to each person referenced in 1.a. Please indicate the date it was first created, and date of any revisions; and,
 - d. records that document all training or on the job experience given to and completed by personnel referenced in 1.a., including initial training and annual review of initial training.
2. Please describe all Preparedness and Prevention arrangements and agreements made with the following, and enclose all documentation supporting such:
 - a. arrangements to familiarize police, fire departments, and emergency response teams with the facility's physical plant and operations;
 - b. state whether there is more than one police and fire department that might respond to an emergency, and any agreements between the agencies referenced in 1.a. designating primary authority, and agreements with any others to provide support to primary emergency authority;
 - c. any agreements with emergency response teams, emergency response contractors and equipment suppliers; and,
 - d. arrangements to familiarize local hospitals with properties of hazardous waste handled at the facility and types of injuries or illnesses which could result from fires, explosions, or releases at the facility.
 - e. state whether any state or local authority declined to enter into such arrangements and documentation supporting the refusal.

3. Please submit a copy of the facility's Contingency Plan and provide the date it was first developed, the date it was last revised, a list of all authorities to whom the most recent revision of the plan was submitted and when it was submitted to them, and all documentation of said submissions.
4. Please submit a copy of the facility's Closure Plan and provide the date it was first developed and the date it was last revised.

CERTIFICATION OF ANSWERS TO RESPONSES TO REQUEST FOR INFORMATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, that the submitted information is true, accurate and complete, and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

NAME (print or type)

TITLE (print or type)

SIGNATURE

DATE



**ACKNOWLEDGEMENT OF NOTIFICATION
OF
HAZARDOUS WASTE ACTIVITY**

07/15/2002

This is to acknowledge that you have filed a **Notification of Hazardous Waste Activity** for the installation located at the address shown in the box below to comply with Section 3010 of the Resource Conservation and Recovery Act (RCRA). Your EPA Identification Number for that installation appears in the box below. The EPA Identification Number must be included on all shipping manifests for transporting hazardous wastes; on all Annual Reports that generators of hazardous waste, and owners and operators of hazardous waste treatment, storage and disposal facilities must file with EPA; on all applications for a Federal Hazardous Waste Permit; and other hazardous waste management reports and documents required under Subtitle C of RCRA.

EPA I.D. NUMBER

NYR000001420

INSTALLATION NAME

GENERAL DYNAMICS

INSTALLATION ADDRESS

**1 GARVIES POINT RD
GLEN COVE, NY 115422828**

MAILING ADDRESS

**1 GARVIES POINT RD
GLEN COVE, NY 11542**

EPA Form 8700-12AB (4-80)

**USEPA - REGION 2
RCRA Programs Branch
290 Broadway, 22nd Floor
New York, NY 10007-1866**

**ATTN: JACK HOYT
Tel : (212) 637-4106
Fax: (212) 637-4949**

**TO: GENERAL DYNAMICS
or Current Occupant
ATTN: MICHAEL QUAGLINO - HR & SAFETY MGR
1 GARVIES POINT RD
GLEN COVE, NY 11542**

Please print or type with ELITE type (12 characters per inch) in the unshaded areas only

Form Approved, OMB No. 2050-0034 Expires 12-31-02
GSA No. 0246-EP4-07

Please refer to Section V, Line-by-Line Instructions for Completing EPA Form 8700-12 before completing this form. The information requested here is required by law (Section 3010 of the Resource Conservation and Recovery Act).

Notification of Regulated Waste Activity



United States Environmental Protection Agency

ENVIRONMENTAL PROTECTION AGENCY, REGION 1
Date Received (For Official Use Only)
2002 JUL -1 PM 4:36
RCRA PROGRAMS
BRANCH

I. Installation's EPA ID Number (Mark 'X' in the appropriate box)

☒ A. Initial Notification

☐ B. Subsequent Notification
(Complete item C)

C. Installation's EPA ID Number

N Y R 0 0 0 0 0 0 1 4 2 0

II. Name of Installation (Include company and specific site name)

GENERAL DYNAMICS (See Attached)

III. Location of Installation (Physical address not P.O. Box or Route Number)

Street

1 GARVIES POINT ROAD

Street (Continued)

City or Town

GLEN COVE

State

Zip Code

N Y 1 1 5 4 2 - 2 8 2 8

County Code

County Name

N A S S A U

IV. Installation Mailing Address (See instructions)

Same

Street or P.O. Box

City or Town

State

Zip Code

V. Installation Contact (Person to be contacted regarding waste activities at site)

Name (Last)

Quagliano

(First)

Michael

Job Title

H R T S A F E T Y M G R

Phone Number (Area Code and Number)

Extension

5 1 6 - 6 7 1 - 9 0 0 0 1 2 2

VI. Installation Contact Address (See instructions)

Fax Number 516-671-9091

A. Contact Address
Location Mailing

☒

☒

B. Street or P.O. Box

(Same)

1 GARVIES POINT ROAD

City or Town

GLEN COVE

State

Zip Code

N Y 1 1 5 4 2 - 2 8 2 8

VII. Ownership (See instructions)

A. Name of Installation's Legal Owner

BERNARD GRILL

Street, P.O. Box, or Route Number

90 TOWN D HOLLOW ROAD

City or Town

OLD BROOKVILLE

State

Zip Code

N Y 1 1 5 4 5 -

Phone Number (Area Code and Number)

5 1 6 - 6 7 4 - 9 3 9 0

B. Land Type

P

C. Owner Type

P

D. Change of Owner Indicator

Yes

No

Date Changed
Month Day Year

Change (name)

Address Verified

2

ID - For Official Use Only

VIII. Type of Regulated Waste Activity (Mark 'X' in the appropriate boxes. Refer to Instructions)

A. Hazardous Waste Activities

C. Used Oil Management Activities

1. Generator (See Instructions)
 - ☐ a. Greater than 1000kg/mo (2,200 lbs.)
 - ☒ b. 100 to 1000 kg/mo (220-2,200 lbs.)
 - ☐ c. Less than 100 kg/mo (220 lbs.)
2. Transporter (Indicate Mode in boxes 1-5 below)
 - ☐ a. For own waste only
 - ☐ b. For commercial purposes
- Mode of Transportation
 - ☐ 1. Air
 - ☐ 2. Rail
 - ☐ 3. Highway
 - ☐ 4. Water
 - ☐ 5. Other - specify _____
3. Treater, Storer, Disposer (at installation) Note: A permit is required for this activity, see instructions.
4. Exempt Boiler and/or Industrial Furnace
 - ☐ a. Smelting, Melting, and Refining Furnace Exemption
 - ☐ b. Small Quantity On-Site Burner Exemption
5. Underground Injection Control

1. Used Oil Transporter/Transfer Facility - Indicate Type(s) of Activity(ies)
 - ☐ a. Transporter
 - ☐ b. Transfer Facility
2. Used Oil Processor/Re-refiner - Indicate Type(s) of Activity(ies)
 - ☐ a. Processor
 - ☐ b. Re-refiner
3. Off-Specification Used Oil Burner
4. Used Oil Fuel Marketer
 - ☐ a. Marketer Who Directs Shipment of Off-Specification Used Oil to Used Oil Burner
 - ☐ b. Marketer Who First Claims the Used Oil Meets the Specifications

B. Universal Waste Activity

- ☐ Large Quantity Handler of Universal Waste

IX. Description of Hazardous Wastes (Use additional sheets if necessary)

A. Listed Hazardous Wastes. (See 40 CFR 261.31 - 33; See instructions if you need to list more than 12 waste codes.)

1 D001	2 D002	3 F001	4 F003	5 F005	6
7	8	9	10	11	12

B. Characteristics of Nonlisted Hazardous Wastes. (Mark 'X' in the boxes corresponding to the characteristics of nonlisted hazardous wastes your installation handles; See 40 CFR Parts 261.20 - 261.24; See instructions if you need to list more than 4 toxicity characteristic waste codes.)

1. Ignitable (D001)	2. Corrosive (D002)	3. Reactive (D003)	4. Toxicity Characteristic	(List specific EPA hazardous waste number(s) for the Toxicity Characteristic contaminant(s))			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1	2	3	4

C. Other Wastes. (State-regulated or other wastes requiring a handler to have an I.D. number; See instructions.)

1	2	3	4	5	6
---	---	---	---	---	---

X. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature (ORIGINAL)

Michael J. Quagliaro

Name and Official Title (Type or print)

Michael J. Quagliaro H&S Safety mgr

Date Signed

6/26/02

XI. Comments

Note: Mail completed form to the appropriate EPA Regional

GENERAL DYNAMICS
Armament and Technical Products

ENVIRONMENTAL PROTECTION
AGENCY, REGION II

2002 JUL -1 PM 4: 36

RCRA PROGRAMS
BRANCH

June 26, 2002

Mr. Jack Hoyt
USEPA-DEPP-RPB
290 Broadway, 22nd. Floor
New York, NY 10007-1866

Reference: EPA # NYR000001420

Dear Mr. Hoyt

Effective 6/17/02 Lunn Ind. has changed its name to General Dynamics, Armament and Technical products, Glen Cove Operations.

Our physical address and the property owner remain the same. I have enclosed EPA waste activity form we discussed. Should have any questions or concerns, please feel free to contact me.

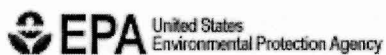
Michael J. Quaglino



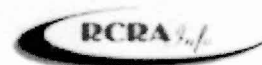
HR and Safety Mgr.

1 Garvies Point Road
Glen Cove, NY 11542-2828
Tel 516 671 9000
Fax 516 671 9005
mquaglino@gdatp.com

General Dynamics Private Information



Handler Information



LUNN INDUSTRIES INC

GLEN COVE

NYR000001420

Select the information to process:

Basic Handler Information

Handler Id	Handler Name	Facility Identifier	Extract Flag	Region	State	Universes
NYR000001420	LUNN INDUSTRIES INC		X	02	NY	LQ

Previous Name Information

Act Loc	Receive Date	Handler Name
---------	--------------	--------------

Location Address Information

Act Loc	Street No.	Street	City	County	State	Zip	Land Type	State District
NY	1	GARVIES POINT RD	GLEN COVE	NASSAU	NY	11542	P	NYSDEC R1

Mailing Address Information

Act Loc	Street No.	Street	City	State	Zip
NY	1	GARVIES POINT RD	GLEN COVE	NY	11542

Contact Information

Add Contact

Act Loc	Type	Title	First Name	Last Name	Phone	Street	City	State	Zip
NY	N	MGR	MICHAEL	GUAGLINO	516-671-9000	1 GARVIES POINT RD	GLEN COVE	NY	11542

Owner Information

Add Owner

Act Loc	Seq	Indicator	Type	Change Date	Owner/Operator Name	Phone	Street	City	State	Zip
NY	1	CO	P		LUNN INDUSTRIES INC	516-671-9000	1 GARVIES POINT RD	GLEN COVE	NY	11542

Operator Information

Add Operator

Act Loc	Seq	Indicator	Type	Change Date	Owner/Operator Name	Phone	Street	City	State	Zip
---------	-----	-----------	------	-------------	---------------------	-------	--------	------	-------	-----

Miscellaneous Information

Add/Update Miscellaneous Information

Act Loc	Previous Id	Second Id	Ack Flag	Ack Date	River Basin	TSD Date	Non-notifier	Off-site receipt	Accessibility
NY				3/13/1995					

Location Coordinates

Add/Update Latitude/Longitude

Act Loc	Source	Latitude Measure	Longitude Measure
NY			

Environmental Priority Ranking			
Add EPR			
Act Loc	EPR Date	EPR Status	EPR Notes

SIC Information			
Add SIC			
Act Loc	Seq	Source	Code
			Primary

Other Permit Information			
Add Other Permit			
Act Loc	Number	Type	Permit Description

Activity Summary Information										Add Activity
Act Loc	Source	Seq	Receipt Date	Gen - Fed Reg.	Trans - Fed Reg.	TSD - Fed Reg.	HW Fuel - Fed Reg.	Used Oil - Fed Reg.	UIC	Recy
NY	<u>N</u>	1	3/7/1995	LQG - R	-	-	-	-		

Hazardous Waste Stream Information							Add Waste Stream
Act Loc	Sequence	Source	Date	Amount	Unit of Measure	Desc	
NY	<u>0001</u>	N	3/7/1995	0			

Go To

URL: /Handler/HAND_info_main.asp



ACKNOWLEDGEMENT OF NOTIFICATION OF HAZARDOUS WASTE ACTIVITY

03/13/95

This is to acknowledge that you have filed a **Notification of Hazardous Waste Activity** for the installation located at the address shown in the box below to comply with Section 3010 of the Resource Conservation and Recovery Act (RCRA). Your EPA Identification Number for that installation appears in the box below. The EPA Identification Number must be included on all shipping manifests for transporting hazardous wastes; on all Annual Reports that generators of hazardous waste, and owners and operators of hazardous waste treatment, storage and disposal facilities must file with EPA; on all applications for a Federal Hazardous Waste Permit; and other hazardous waste management reports and documents required under Subtitle C of RCRA.

EPA I.D. NUMBER -> NYR000001420

FACILITY NAME -> LUNN INDUSTRIES INC

MAILING ADDRESS -> 1 GARVIES POINT RD
GLEN COVE, NY 11542

INSTALLATION ADDRESS -> 1 GARVIES POINT RD
GLEN COVE, NY 11542

EPA Form 8700-12AB (4-80)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

ATTN: AIR & WASTE MANAGEMENT DIVISION, 22ND FL.
HAZARDOUS & SOLID WASTE PROGRAMS BRANCH
RCRA NOTIFICATIONS

TO: GUAGLINO, MICHAEL
MGR
LUNN INDUSTRIES INC
1 GARVIES POINT RD
GLEN COVE, NY 11542

ID - For Official Use Only									

VIII. Type of Regulated Waste Activity (Mark 'X' in the appropriate boxes. Refer to Instructions.)

A. Hazardous Waste Activity		B. Used Oil Fuel Activities
<input checked="" type="checkbox"/> 1. Generator (See Instructions) <input type="checkbox"/> a. Greater than 1000 kg/mo (2,200 lbs.) <input type="checkbox"/> b. 100 to 1000 kg/mo (220 - 2,200 lbs.) <input type="checkbox"/> c. Less than 100 kg/mo (220 lbs.) <input type="checkbox"/> 2. Transporter (Indicate Mode in boxes 1-5 below) <input type="checkbox"/> a. For own waste only <input type="checkbox"/> b. For commercial purposes Mode of Transportation <input type="checkbox"/> 1. Air <input type="checkbox"/> 2. Rail <input type="checkbox"/> 3. Highway <input type="checkbox"/> 4. Water <input type="checkbox"/> 5. Other - specify _____ <input type="checkbox"/> 3. Treater, Storer, Disposer (at installation) Note: A permit is required for this activity; see Instructions <input type="checkbox"/> 4. Hazardous Waste Fuel <input type="checkbox"/> a. Generator Marketing to Burner <input type="checkbox"/> b. Other Marketer <input type="checkbox"/> c. Boiler and/or Industrial Furnace <input type="checkbox"/> 1. Smelter Refractory <input type="checkbox"/> 2. Small Quantity Exemption Indicate Type of Combustion Device(s) <input type="checkbox"/> 1. Utility Boiler <input type="checkbox"/> 2. Industrial Boiler <input type="checkbox"/> 3. Industrial Furnace <input type="checkbox"/> 5. Underground Injection Control	<input type="checkbox"/> 1. Off-Specification Used Oil Fuel <input type="checkbox"/> a. Generator Marketing to Burner <input type="checkbox"/> b. Other Marketer <input type="checkbox"/> c. Burner - Indicate device(s) - Type of Combustion Device <input type="checkbox"/> 1. Utility Boiler <input type="checkbox"/> 2. Industrial Boiler <input type="checkbox"/> 3. Industrial Furnace <input type="checkbox"/> 2. Specification Used Oil Fuel Marketer (or On-site Burner) Who First Claims the Oil Meets the Specification	

IX. Description of Regulated Wastes (Use additional sheets if necessary)

A. Characteristics of Nonlisted Hazardous Wastes. Mark 'X' in the boxes corresponding to the characteristics of nonlisted hazardous wastes your installation handles. (See 40 CFR Parts 261.20 - 261.24)

1. Ignitable (D001)	2. Corrosive (D002)	3. Reactive (D003)	4. Toxicity Characteristic (D000)	(Use specific EPA hazardous waste number(s) for the Toxicity characteristic contaminant(s))
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	F003

B. Listed Hazardous Wastes. (See 40 CFR 261.31 - 33. See instructions if you need to list more than 12 waste codes.)

1 F003	2	3	4	5	6
7	8	9	10	11	12

C. Other Wastes. (State or other wastes requiring a handler to have an I.D. number. See instructions.)

1	2	3	4	5	6
---	---	---	---	---	---

X. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature ORIGINAL GENERATOR Michael J. Quasliano Name and Official Title (type or print) Michael J. Quasliano Date Signed 3/3/91

XI. Comments

change of ADDRESS FORM EPA # NYD00204515

Note: Mail completed form to the appropriate EPA Regional or State Office. (See Section III of the booklet for addresses.)

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IGN -



LUNN INDUSTRIES, INC. • 1 GARVIES POINT ROAD, GLEN COVE, NEW YORK 11542-2828 • (516) 671-9000 • FAX (516) 671-9005

MARCH 6, 1995

JACK HOYT. WMD. RCRA
US EPA. REGION II
290 BROADWAY 22ND FLOOR
NEW YORK, NY 10007-1866

TO JACK HOYT:

THIS LETTER IS TO INFORM YOU OF OUR CHANGE OF ADDRESS.
THE OLD ADDRESS WAS LUNN INDUSTRIES, INC., 1617 STRAIGHT PATH
WYANDANCH, NY 11798. THE NEW ADDRESS IS 1 GARVIES POINT ROAD,
GLEN COVE, NY 11542. THE NEW PHONE IS 516-671-9000.

SINCERELY,

MICHAEL J. QUAGLINO



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY - REGION II

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

NYR 000 001 420

OCT 16 1995

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Michael J. Quaglino
Human Resource and Purchasing Manager
Lunn Industries Inc.
1 Garvies Point Road
Glen Cove, NY 11542-2828

RE: RCRA § 3007 Information Request
Lunn Industries, Inc
Hazardous Waste Facility

NYR 00000 1420

Dear Mr. Quaglino:

The U.S. Environmental Protection Agency (EPA) is charged with the protection of health and the environment under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Part 6901 et seq.

Pursuant to the provisions of Section 3007 of RCRA, 42 U.S.C. Section 6927, EPA hereby requires that you provide the information requested in Attachment I to this letter using the instructions and definitions included in Attachment II. This information is required to evaluate the compliance of Lunn Industries, Inc.

Please provide the information requested no later than thirty (30) calendar days from receipt of this letter. Requests for additional time must be made within ten (10) calendar days of receipt of this letter, and must be justified. The response must be signed by a responsible official or agent of your company.

The response to the request in the attachment must be mailed to the following two (2) addressees:

William K. Sawyer, Esq.
Office of Regional Counsel
U.S. Environmental Protection
Agency - Region II
290 Broadway 16th Floor
New York, New York 10007-1866

Marianna Dominguez
Environmental Engineer
Hazardous Waste Compliance Branch
U.S. Environmental Protection
Agency - Region II
290 Broadway 22nd Floor
New York, New York 10007-1866

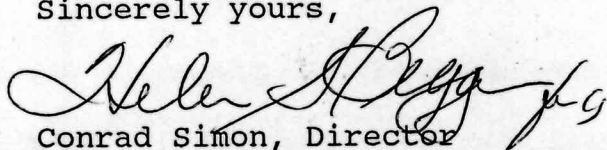
You may, if you so desire, assert a business confidentiality claim covering all or part of the information herein requested. The claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret", "proprietary", or "company confidential". The claim should set forth the information requested in 40 Code of Federal Regulations (40 C.F.R.) Part 2.204(e)(4). Information covered by such a claim will be disclosed by EPA only to the extent permitted by, and by means of procedures set forth in, 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

This information request is not subject to the requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Part 3501 et seq.

Failure to respond in full to this requirement is a violation of RCRA and may result in federal enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. Section 6928.

If you have any questions about this letter, please call Miss Marianna Dominguez, of the New York Compliance Section, at (212) 637-4154.

Sincerely yours,


Conrad Simon, Director
Air & Waste Management Division

cc: Lawrence Nadler, Supervisor
Hazardous Waste Compliance Unit
New York State Department of Environmental
Conservation

Attachments

ATTACHMENT I

LUNN INDUSTRIES, INC.
1 GARVIES POINT ROAD
GLEN COVE, N.Y., 11542-2828

A RCRA Inspection of Lunn Industries, Inc.'s hazardous waste generation and storage areas and record keeping, was performed on June 14, with a follow-up on August 4, 1995, by an EPA authorized representative. As a follow up of the inspection the following information is requested:

1. For the time period of January 1, 1992, until the time this information request is answered, please indicate:
 - a) All processes or activities by which hazardous wastes are generated at the facility or were generated at your previously owned facility in Wayandanch.
 - b) For hazardous waste generated at the facility or brought to the facility- How is such hazardous waste collected and stored?
 - c) For each hazardous waste identified in the answer to question 1.b), also provide:
 - i) the amount generated;
 - ii) the amount brought to the facility;
 - iii) the time period each hazardous waste was stored at the facility;
 - iv) a description of the record keeping practice (i.e., logging record) from the moment of generation (or it is brought into the facility) until the waste is shipped off the facility;
 - v) a description of the shipping practice, and
 - vi) a description of the process by which a manifest is filled out.
 - d) Describe in detail the general practice of the facility in making a hazardous waste determination.
 - e) When did you move from Wayandanch to Glen Cove?
 - f) Did you notify the EPA of your hazardous waste activities at the new location in Glen Cove? If so, what date was the EPA notified. When did you receive your new identification number?
2. Please indicate what changes have been made in the operation of the facility that resulted in changes to the waste stream(s), if any. Please indicate the estimate amount of hazardous waste that will be generated and stored at the facility in the future.

3. At the time of the inspection more than 30-55 gallon containers holding an "unknown waste" (according to your facility's representative) were observed by EPA's inspector. The containers were not marked with the words "Hazardous Wastes" or with other words to identify their contents. The containers were stored in a hazardous waste storage area identified by Lunn's representative as "Higher" storage area. Please provide the following information concerning such containers:
- a) identify the contents of each container indicating how this identification was made:
 - i) Provide copies of all documentation, such as analytical results of tests used to determine that such wastes were or were not hazardous wastes;
 - ii) if knowledge of the properties of the wastes was used to identify the wastes, please provide a narrative which details the knowledge employed in such determination;
 - iii) state and describe the process or activity that generated the waste in each of the 55-gallon containers;
 - iv) specify the amount of the waste in each container; indicate what was the total amount of waste stored at the facility.
 - v) describe all handling procedures for such wastes from the point of generation to the storage area and the corresponding record keeping: including management practices for wastes in containers, storage procedures to ensure that wastes do not get into various environmental media.
 - vi) Have all the containers been marked with the words hazardous wastes or with other words to identify their contents ? if so, when the containers were marked; what was the accumulation start dates.
 - vii) Where were these wastes generated? How were they transported to your facility?
4. Have the wastes identified in question 3 above been treated, disposed, or sent off-site for any other reason ?

- a) if the answer is "yes", explain in detail the location and the manner of treatment or disposal for each waste. Submit any documented proof.
 - b) Provide copies of all manifest records and land ban notifications associated with the shipping and disposal of the hazardous wastes, if appropriate.
 - c) If the answer is "no", explain in detail what happened to the wastes? provide documentation to demonstrate appropriate shipment and disposal of the wastes.
5. The inspector observed during the inspection that there were about 24-55 gallon steel containers in the storage area identified as "Lower" by Lunn's representative. Most of the container contents were "unknown material", and had no dates on them. Two of them read PERC, 3 mineral spirits, 4 poison. 1-20 gallon cardboard container was in very poor condition, i.e., the body of the container was completely destroyed. Top and bottom rings of the remains of the old container body frame were held in place by the waste body containerized in a plastic bag; the storage area had a floor drain to collect spills, according to a Lunn's Representative. No further information on this drain was provided.
- a) Please indicate whether the container in poor condition was over-packed and when this was done;
 - b) Was the content of the container, mentioned in a) above, identified and the new container marked with the words hazardous wastes and the accumulation start date shown on the container?
 - c) Please send the information necessary to support your response to items 5a) and b) above.
 - d) Regarding the drain in the storage area, please indicate: the purpose of the drain, when was it installed, where is the discharge of this drain. Submit drawings showing the piping associated with this drain, if available.
6. Do Lunn's personnel who handle hazardous waste complete a program of classroom instruction or on-the job training, within six months after the date of their employment, that teaches them to perform their duties to ensure the facility's compliance with the requirements of the federal and state hazardous waste regulations?. If so, do facility personnel participate in an annual review of this training?

Provide copies of attendance lists, or similar documentation to demonstrate compliance with this requirement for the past three years.

7. Does Lunn have an outline of the training program mentioned in question #6 above and the qualifications and experience requirements for the person directing the training? If so, please provide a copy. Note the date this training was first developed and its latest revision date.
8. It was discovered during the June 14 and August 4, 1995 inspections that Lunn did not have a contingency plan for the facility. Does Lunn currently have a contingency plan for the facility? If so, please provide a copy to demonstrate compliance. Note the date this contingency plan was first developed and its latest revision date.
9. Did Lunn submit a copy of the contingency plan to the local authorities, hospital, police, fire department and emergency response teams that may be called upon to provide emergency services? If so, please provide documentation to demonstrate compliance.
10. The inspector observed at the time of the inspections that there was no access to communications or alarm system capable of summoning external emergency assistance, especially at the so called "higher" container storage area. Does Lunn currently provide immediate access to an internal alarm or emergency communication device for the employees involved in the operation of the facility? if so, please indicate what at the hazardous waste container storage areas type of system and when was it implemented.

ATTACHMENT II

INSTRUCTIONS AND DEFINITIONS

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of the company or facility. The signatory must complete and return the attached Certification of Answers to Responses to Request for Information.
2. A complete response must be made to each individual question in this request for information. Identify each answer with the number of the question to which it is addressed.
3. In preparing your response to each question, consult with all present and former employees and agents of the company or facility who you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number of the question to which it applies.
8. If anything is deleted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion.

9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. The company and/or facility for the purposes of this Request for Information is Lunn, 1 Garvies Point Road, Glenn Cove, New York 11542-2828.
11. A generator of hazardous waste for the purposes of this Request for Information shall be defined as any person (which includes this facility), by site, whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation.
12. Solid waste shall be defined for the purposes of this Request for Information as that term is defined in Section 1004(27) of RCRA, as amended, 42 U.S.C. Part 6903(27).
13. Hazardous waste shall be defined for the purposes of this Request for Information as that term is defined in Section 1004(5) of RCRA, as amended, 42 U.S.C. Part 6903(5).
14. Manage shall be defined for the purposes of this Request for Information as to market, generate, treat, store, dispose or otherwise handle.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, that the submitted information is true, accurate and complete, and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information.

NAME (print or type)

TITLE (print or type)

SIGNATURE

DATE

bcc: Marianna Dominguez, 2AWM-HWC
John Gorman, 2AWM-HWC
William K. Sawyer, 2ORC-AWTS
Joseph Clore, 2AWM-HWFB

CE

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

NYR 000 001 420

In the Matter of

LUNN INDUSTRIES INC.,

Respondent.

Proceeding under Section 3008
of the Solid Waste Disposal
Act, as amended.

COMPLAINT, COMPLIANCE ORDER
AND NOTICE OF OPPORTUNITY
FOR HEARING

Docket No. II RCRA-96-0203

~~NYR 000 001 420~~

COMPLAINT

This is a civil administrative proceeding instituted pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments of 1984 ("HSWA"), 42 U.S.C. §§ 6901 et seq. (the "Act" or "RCRA").

Section 3006(b) of the Act, 42 U.S.C. § 6926(b), provides that the Administrator of the United States Environmental Protection Agency ("EPA") may, if certain criteria are met, authorize a state to operate a hazardous waste program in lieu of the federal program. The State of New York received final authorization to administer its base hazardous waste program on May 29, 1986, and authorization for many of the HSWA requirements on May 22, 1992. Section 3008 of the Act, 42 U.S.C. § 6928, authorizes EPA to enforce the provisions of the authorized State program and the regulations promulgated thereunder. EPA still retains primary responsibility for certain requirements promulgated pursuant to HSWA.

This COMPLAINT, COMPLIANCE ORDER AND NOTICE OF OPPORTUNITY FOR HEARING ("Complaint") serves notice of EPA's preliminary determination that the Respondent herein, LUNN INDUSTRIES, INC., has violated requirements of Subtitle C of the RCRA, the New York State Environmental Conservation Law, and the regulations promulgated thereunder concerning the management of hazardous waste.

The Complainant in this proceeding, the Director of the Air and Waste Management Division of the Environmental Protection Agency, Region II, who has been duly delegated the authority to institute this action, upon information and belief, hereby alleges:

1. Respondent is Lunn Industries, Inc., ("Respondent").
2. Respondent owns and operates a facility that is the subject of this Complaint at 1 Garvies Point Road, Glen Cove, Nassau County, New York 11542-2828 ("Respondent's facility" or "Facility").
3. Respondent is a corporation organized pursuant to the laws of the State of Delaware.
4. Respondent is a "person", as that term is defined in Section 1004(15) of the Act, 42 U.S.C. § 6903(15), Title 6 New York Codes, Rules, and Regulations (6 NYCRR) § 370.2(b)(133), and 40 C.F.R. § 260.10.
5. On or about March 3, 1995, Respondent submitted to EPA a Notification of Regulated Waste Activity, notifying EPA that Respondent's facility generates greater than 1000 kg per month of hazardous waste.
6. In response to the notification, on or about March 13, 1995, EPA provided Respondent with EPA identification number NYR000001420 for Respondent's facility.
7. Respondent is a "generator" of "hazardous waste" as those terms are defined in 6 NYCRR §§ 370.2(b)(75) and 371.1(d), and 40 C.F.R. §§ 260.10 and 261.3.
8. Title 40 C.F.R. Part 260 et seq. establishes federal standards for facilities which generate, treat, store or dispose of hazardous waste. Title 6 NYCRR Part 370 et seq. establishes New York requirements for facilities which generate, treat, store or dispose of hazardous waste.
9. Pursuant to Section 3007 of the Act, 42 U.S.C. § 6927, on or about June 14, 1995, a duly designated representative of EPA conducted an inspection of Respondent's facility to determine Respondent's compliance with applicable federal and state requirements governing hazardous wastes (the "June Inspection").
10. At the time of the June inspection, Respondent was accumulating hazardous waste in containers in an area designated as the "Higher" storage area at Respondent's facility ("Higher storage area").
11. Pursuant to Section 3007 of the Act, 42 U.S.C. § 6927, on or about August 4, 1995, a duly designated representative of the EPA conducted an inspection of Respondent's facility to determine Respondent's compliance with applicable federal and state requirements governing hazardous wastes (the "August Inspection").

12. At the time of the August Inspection, Respondent was accumulating hazardous waste in containers in an area designated as the "Lower" storage area at Respondent's facility ("Lower storage area").

13. At the time of the August Inspection, Respondent was accumulating hazardous waste in containers in the Higher storage area.

14. Pursuant to Section 3007 of the Act, 42 U.S.C. § 6927, on or about October 16, 1995, EPA sent Respondent an Information Request Letter to determine Respondent's compliance with applicable federal and state requirements governing hazardous wastes. ("RCRA 3007 Information Request"). On or about November 17, 1995, Respondent submitted a response to the RCRA 3007 Information Request.

15. At the times of the June Inspection and August Inspection, Respondent's Facility did not have a hazardous waste permit or interim status.

Count 1 - Hazardous Waste Labels

16. Complainant realleges each allegation contained in Paragraphs 1 through 15 above with the same force and effect as if fully set forth herein.

17. Pursuant to 6 NYCRR §§ 372.2(a)(8)(ii), 373-1.1(d)(1)(iv)(d), 373-1.1(d)(1)(iii)(c)(1) and (3), and 373-3.9(d)(3), a generator in Nassau County, New York, must mark or label all containers used to accumulate hazardous waste on-site with the words "Hazardous Waste" and with other words that identify the contents of the containers.

18. At the time of the June Inspection, containers holding hazardous waste being accumulated in the Higher storage area at Respondent's Facility were not labeled or marked with the words "Hazardous Waste" and with other words that identified the contents of the containers.

19. Respondent's failure to clearly label or mark all containers holding hazardous waste with the words "Hazardous Waste" and with other words that identified the contents of the containers constitutes violation of 6 NYCRR §§ 372.2(a)(8)(ii), 373-1.1(d)(1)(iv)(d), 373-1.1(d)(1)(iii)(c)(1) and (3), and 373-3.9(d)(3).

Count 2 - Accumulation Start Date

20. Complainant realleges each allegation contained in Paragraphs 1 through 15 above with the same force and effect as if fully set forth herein.

21. Pursuant to 6 NYCRR Sections 372.2(a)(8)(ii), 373-1.1(d)(1)(iv)(d), and 373-1.1(d)(1)(iii)(c)(2)a generator in Nassau County, New York may accumulate hazardous waste on-site for a period of 90 days or less without a permit, or without having interim status provided, inter alia, the date on which each period of accumulation begins is clearly marked and visible for inspection on each container.

22. At the time of the June Inspection, the date on which each period of accumulation began was not marked and visible on each container holding hazardous waste being accumulated in the Higher storage area of Respondent's facility.

23. At the time of the August Inspection, the date on which each period of accumulation began was not marked and visible for inspection on each container holding hazardous waste being accumulated in the Lower storage area of Respondent's facility.

24. At the time of the August Inspection, the date on which each period of accumulation began was not marked and visible for inspection on each container holding hazardous waste being accumulated in the Higher storage area of Respondent's facility.

25. Respondent's failure to mark accumulation start dates on each container of hazardous waste in the storage areas at Respondent's Facility constitute violations of 6 NYCRR §§ 372.2(a)(8)(ii), 373-1.1(d)(1)(iv), and 373-1.1(d)(1)(iii)(c).

Count 3 - Hazardous Waste Determination

26. Complainant realleges each allegation contained in Paragraphs 1 through 15 above with the same force and effect as if fully set forth herein.

27. Pursuant to 6 NYCRR § 372.2(a)(2), a person who generates a solid waste must determine if that waste is a hazardous waste using the following method:

(i) first determine if the waste is excluded from regulation under section 371.1(e), exclusions, of Title 6 NYCRR;

(ii) then determine if the waste is listed as a hazardous waste in section 371.4 of Title 6 NYCRR;

(iii) for purposes of compliance with Part 376 of this title or if the waste is not listed as a hazardous waste in section 371.4 of this Title, the generator must then determine whether the waste is identified in section 371.3 of this Title by either:

(a) testing the waste according to the methods set forth in Appendix 19, 20 or 21, *infra*, or according to an equivalent method approved under section 370.3(b) of this title; or

(b) applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.

28. At the time of the June Inspection, Respondent had not made hazardous waste determinations of solid wastes generated at the Facility according to the above-referenced methods.

29. At the time of the August Inspection, Respondent had not made hazardous waste determinations of solid waste generated at the Facility according to the above-referenced methods.

30. Respondent's failures to make a hazardous waste determination of solid wastes generated at the Facility according to the above-referenced methods constitute violations of 6 NYCRR § 372.2(a)(2).

Count 4 - Personnel Training and Records

31. Complainant realleges each allegation contained in Paragraphs 1 through 15 above with the same force and effect as if fully set forth herein.

32. Pursuant to 6 NYCRR § 373-1.1(d)(iv)(d), 373-1.1(iii)(c)(5), and 373-3.2(g)(1)(i), personnel at a facility handling hazardous waste must successfully complete a program of classroom instruction or on-the job training that teaches them to perform their duties in a way that ensures facility compliance with the requirements of this part (the "Training Program"). The owner or operator must ensure that the Training Program includes all the elements described in the document required under 6 NYCRR § 373-3.2(g)(4)(iii).

33. Pursuant to 6 NYCRR § 373-3.2(g)(1)(ii), the Training Program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.

34. Pursuant to 6 NYCRR §§ 373-3.2(g)(2) and (3), facility personnel must complete the training program within six months of

their employment or assignment to a new position, and must participate in an annual review of the training program.

35. Pursuant to 6 NYCRR § 373-3.2(g)(4) the owner or operator of a facility managing hazardous waste must maintain the following records at the facility: a written job description for each position at the facility related to hazardous waste management, including at least the requisite skill, education or other qualifications, and duties of employees assigned to each such position; a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position at the facility related to hazardous waste management; and records which document that the training or job experience required under 6 NYCRR § 373-3.2(g)(1), (2) and (3) has been given to, and completed by facility personnel.

36. At the time of the June Inspection, Respondent had failed to provide its employees with a training program meeting the requirements of 6 NYCRR §§ 373-3.2(g)(1), (2), and (3), and to maintain records in accordance with 6 NYCRR § 373-3.2(g)(4).

37. At the time of the August Inspection, Respondent had failed to provide its employees with a training program meeting the requirements of 6 NYCRR §§ 373-3.2(g)(1), (2), and (3), and to maintain records in accordance with 6 NYCRR § 373-3.2(g)(4).

38. Respondent's failures to provide a training program and maintain required records constitute violations of 6 NYCRR § 373-3.2(g).

Count 5 - Contingency Plan.

39. Complainant repeats each allegation contained in Paragraphs 1 through 15 above with the same force and effect as if fully set forth herein.

40. Pursuant to 6 NYCRR §§ 373-3.4(b)(1), 373-1.1(d)(1)(iv)(d), and 373-1.1(d)(1)(iii)(c)(5), each owner or operator in Nassau County, New York, must have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

41. Pursuant to 6 NYCRR §§ 373-3.4(d) a copy of the contingency plan must be provided to the local fire department.

42. At the times of the June Inspection and the August Inspection Respondent had failed to prepare and maintain a contingency plan for the Facility.

43. Prior to December 15, 1995, Respondent failed to provide a copy of a contingency plan to the local fire department.

44. Respondent's failure to prepare and maintain a contingency plan, and provide a copy to the local fire department constitutes violations of 6 NYCRR §§ 373-3.4(b)(1) and (d), 373-1.1(d)(1)(iv)(d) and 373-1.1(d)(iii)(c)(5).

COUNT 6 - Accumulation of Hazardous Waste in Excess of 90 Days

45. Complainant repeats each allegation contained in Paragraphs 1 through 15 above with the same force and effect as if fully set forth herein.

46. Pursuant to 6 NYCRR §§ 372.2(a)(8)(ii) and 373-1.1(d)(1)(iv), a generator in Nassau County may accumulate hazardous waste on-site of generation for a period of 90 days or less.

47. At the time of the June Inspection and August Inspection, Respondent accumulated hazardous waste in containers for a period of greater than 90 days.

48. Respondent's accumulation at the Facility of hazardous waste for a period exceeding 90 days constitutes violations of 6 NYCRR §§ 372.2(a)(8)(ii) and 373-1.1(d)(1)(iv).

PROPOSED CIVIL PENALTY

The proposed civil penalty has been determined in accordance with Section 3008(a)(3) of the Act, 42 U.S.C. § 6928(a)(3). For purposes of determining the amount of any penalty assessed, Section 3008(a)(3) requires EPA to "take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements." To develop the proposed penalty in this Complaint, the Complainant has taken into account the particular facts and circumstances of this case with specific reference to EPA's 1990 RCRA Civil Penalty Policy, a copy of which is available upon request. This policy provides a rational, consistent and equitable calculation methodology for applying the statutory penalty factors to particular cases.

The Complainant proposes that the Respondent be assessed the following civil penalty for the violations alleged in this

Complaint. A penalty calculation worksheet and narrative explanation to support the penalty figure for each violation cited in this Complaint is included in Attachment I and II below. Matrices employed in the determination of the individual and multi-day penalties are included in Attachment III.

<u>Count 1</u>	For violation of 6 NYCRR §§ 372.2(a)(8)(i)(a)(2), 373-1.1(d)(1)(iii)(c)(3) and (iv)(d), 373-3.9(d)(3)	\$ 1,000.00
<u>Count 2</u>	For violation of 6 NYCRR §§ 372.2(a)(8)(ii), 373-1.1(d)(1)(iii)(c)(2) and (iv)(d)	\$ 5,000.00
<u>Count 3</u>	For violation of 6 NYCRR § 372.2(a)(2)	\$ 5,000.00
<u>Count 4</u>	For violation of 6 NYCRR §§ 373-1.1(d)(1)(iv)(d) and 373-3.2(g).....	\$ 5,000.00
<u>Count 5</u>	For violation of 6 NYCRR §§ 373-1.1(d)(1)(iv)(d) and 373-3.4(b).....	\$ 2,999.00
<u>Count 6</u>	For violation of 6 NYCRR §§ 372.2(a)(8)(ii) and 373-1.1(d)(1)(iii) and (iv).....	\$ 5,000.00
TOTAL PENALTY		\$ 23,999.00

COMPLIANCE ORDER

Based upon the foregoing, and pursuant to the authority of Section 3008 of the Act, Complainant herewith issues the following Compliance Order to the Respondent:

1. The Respondent shall within ten (10) calendar days of the effective date of this Compliance Order clearly mark the accumulation start dates on each container of hazardous waste in storage at the Facility.
2. The Respondent shall within ten (10) calendar days of the effective date of this Compliance Order clearly mark each container of hazardous waste in storage at the Facility with the words "Hazardous Waste".
3. The Respondent shall within ninety (90) calendar days of the effective date of this Compliance Order develop and implement a hazardous waste training program in compliance with 6 NYCRR § 373-3.2(g), prepare all of the records required by this section, and establish a system for the maintenance of such records for the time periods required by 6 NYCRR § 373-3.2(g)(5).
4. The Respondent shall within ninety (90) days of the effective date of this Compliance Order develop and implement a contingency plan for the Facility designed to minimize hazards to human health or the environment from fires, explosions or any sudden or non sudden release of hazardous wastes or hazardous waste constituents to air, soil or surface water.
5. The Respondent shall submit to EPA a written status report, to be accompanied by copies of all appropriate supporting documentation, of its compliance and schedule for compliance for each of the requirements set forth herein within ten (10) calendar days of the effective date of this Compliance Order. If the Respondent is in noncompliance with a particular requirement, the notice shall state the reasons for noncompliance and shall provide a schedule for achieving expeditious compliance with the requirement.
6. Respondent shall ship off-site any containers holding hazardous waste which were on-site during the June and August Inspections within ten (10) days from the effective date of this Compliance Order, and submit to EPA a copy of all manifests and land ban notifications that accompany each manifest record for the shipments.
7. The Respondent shall submit the above required information and notices to the following addressees:

George C. Meyer, P.E., Chief
Hazardous Waste Compliance Branch
U.S. Environmental Protection Agency, Region II
290 Broadway, 22nd Floor
New York, NY 10007-1866

Marianna Dominguez
Environmental Engineer
Hazardous Waste Compliance Branch
U.S. Environmental Protection Agency, Region II
290 Broadway, 22nd Floor
New York, NY 10007-1866

NOTICE OF LIABILITY FOR ADDITIONAL CIVIL PENALTIES

Pursuant to the terms of Section 3008(c) of the Act, a violator failing to take corrective action within the time specified in a Compliance Order is liable for a civil penalty of up to \$25,000 for each day of continued noncompliance. Such continued noncompliance may also result in suspension or revocation of any permits issued to the violator whether issued by the EPA or the State of New York.

NOTICE OF OPPORTUNITY TO REQUEST A HEARING

As provided in Section 3008(b) of the Act, and in accordance with EPA's Consolidated Rules of Practices Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22, 45 Federal Register 24360 (April 9, 1980) (a copy of which accompanies this Complaint) you have the right to request a Hearing to contest any material fact set out in the Complaint, or to contest the appropriateness of the proposed penalty, or the terms of the Compliance Order. (Consistent with the provisions of Section 3008(b) of the Act, should you request a public Hearing, notice of the Hearing will be provided and the Hearing will be open to the general public. However, in the absence of such a specific request, public notice of a scheduled Hearing will not be published.)

To avoid being found in default and having the proposed civil penalty assessed and the Compliance Order confirmed without further proceedings, you must file a written Answer to the Complaint, which may include a request for a Hearing. Your Answer, if any, must be addressed to the U.S. Environmental Protection Agency, Regional Hearing Clerk, 290 Broadway, New York, New York 10007-1866, and must be filed within thirty (30) calendar days of your receipt of this Complaint, Compliance Order, and Notice of Opportunity for Hearing.

Your answer must clearly and directly admit, deny, or explain each of the factual allegations contained in the

Complaint, and should contain (1) a clear statement of the facts which constitute the grounds of your defense, and (2) a concise statement of the contentions which you intend to place in issue at the Hearing.

The denial of any material fact, or the raising of any affirmative defense, will be construed as a request for a Hearing. Failure to deny any of the factual allegations in the Complaint will be deemed to constitute an admission of the undenied allegations. Your failure to file a written Answer within thirty (30) calendar days of receipt of this instrument will be deemed to represent your admission of all facts alleged in the Complaint, and a waiver of your right to a formal Hearing to contest any of the facts alleged by the Complainant. Your default may result in the final issuance of the Compliance Order, and assessment of the proposed civil penalty, without further proceedings.

INFORMAL SETTLEMENT CONFERENCE

Whether or not you request a Hearing, the EPA encourages settlement of this proceeding consistent with the provisions of the Act. At an informal conference with a representative of the Complainant you may comment on the charges and provide whatever additional information you feel is relevant to the disposition of this matter, including any actions you have taken to correct the violation, and any other special circumstances you care to raise. The Complainant has the authority to modify the amount of the proposed penalty, where appropriate, to reflect any settlement agreement reached with you in such a conference, or to recommend that any or all of the charges be dismissed, if the circumstances so warrant. Your request for any informal conference and other questions that you may have regarding this Complaint, Compliance Order, and Notice of Opportunity for Hearing should be directed to L. Sharpy Hammond, Assistant Regional Counsel, Air, Waste & Toxic Substances Branch, U.S. Environmental Protection Agency, Region II, 290 Broadway, 16th floor, New York, New York 10007, telephone (212) 637-3250.

Please note that a request for an informal settlement conference does not extend the thirty (30) day period during which a written Answer and Request for a Hearing must be submitted nor does it extend the dates specified in the Compliance Order.

The informal conference procedure may be pursued as an alternative to, or simultaneously with, the adjudicatory Hearing procedure. However, no penalty reduction will be made simply because such a conference is held.

Any settlement which may be reached as a result of such conference will be embodied in a written Consent Agreement and Consent Order to be issued by the Regional Administrator. Your signing of such Consent Agreement would constitute a waiver of your right to request a Hearing on any matter stipulated to therein.

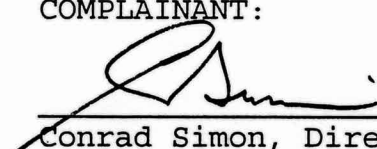
Entering into a settlement through signing of such Consent Agreement and continued compliance with the terms and conditions set forth in both the Consent Agreement and Compliance Order will terminate this administrative litigation and the civil proceedings arising out of the allegations made in the Complaint. Your entering into a settlement and continuing compliance with the conditions set forth in the Consent Agreement and Compliance Order do not extinguish, satisfy or otherwise affect your obligation and responsibility to comply with all other applicable regulations and requirements set forth in, and/or promulgated pursuant to, the Act, and to maintain such compliance.

RESOLUTION OF THIS PROCEEDING WITHOUT HEARING OR CONFERENCE

Instead of filing an Answer, requesting a Hearing or requesting an informal settlement conference, you may choose to comply with the terms of the Compliance Order, and to pay the proposed penalty. In that case, payment should be made by sending a check in the amount of the penalty specified in the "Proposed Civil Penalty" Section of this instrument to the Regional Hearing Clerk, EPA-Region II, P.O. Box 360188M, Pittsburgh, PA 15251. If you choose to resolve this proceeding in this manner, the effective date of the Compliance Order shall be twenty (20) days after the date on your check submitted in payment of the penalty. A copy of the check should be sent to L. Sharry Hammond, Esq., at the address referenced above. Your check must be made payable to the Treasurer of the United States.

DATE: **MAR 28 1996**

COMPLAINANT:


 Conrad Simon, Director
 Air & Waste Management Division
 Environmental Protection Agency
 Region II

TO: Alan Baldwin, Chief Executive Officer
 Lunn Industries, Inc.
 1 Garvies Point Road
 Glen Cove, New York 11542-2828

cc: Lawrence Nadler
 Unit Supervisor
 Hazardous Waste Compliance and Enforcement Unit - NYSDEC

Certificate of Service

This is to certify that on the day of MARCH 29,, 1996, I served a true and correct copy of the foregoing Complaint and a copy of the Consolidated Rules of Practice by certified mail, return receipt requested, to Mr. Alan Baldwin, Chief Executive Officer, Lunn Industries, Inc, 1 Garvies Point Road, Glen Cove, New York 11542-2828. I hand carried the original and a copy of the foregoing Complaint to the Regional Hearing Clerk.

Jessie Lunn

bcc: Marianna Dominguez, 2AWM-HWC
George Meyer, 2AWM-HWC
John Gorman, 2AWM-HWC
L. Sharry Hammond, 2ORC-AWTS
Carolyn Carr, RAATS, OS-520
Joseph Clore, 2AWM-HWF

ATTACHMENT I

REASONING BEHIND PROPOSED PENALTY

Pursuant to 40 C.F.R. § 22.14(a)(4) and (5), EPA is providing the Respondent with this statement explaining the reasoning behind the proposed penalty assessed for each violation cited in this Complaint. Attached in this Complaint the Respondent will find the EPA Penalty Computation Worksheet ("Worksheet") for the alleged violations for which the Respondent has been assessed a proposed penalty (Attachment II).

ATTACHMENT II-1

PENALTY COMPUTATION WORKSHEET

Respondent: Lunn Industries, Inc.

Facility Address: 1 Garvies Point Road, Glen Cove, New York
11542-2828

Requirement Violated: 6 NYCRR §§ 372.2(a)(8)(i)(a)(2), 373-
1.1(d)(1)(iii)(c)(3) and (iv)(d), 373-
3.9(d)(3). Failure to clearly label or
mark containers of hazardous waste with
the words "Hazardous Waste" (Count 1).

PENALTY AMOUNT FOR COMPLAINT

1. Gravity based penalty from matrix.....\$1,000.00
 - (a) Potential for harm.....MINOR
 - (b) Extent of Deviation.....MODERATE
2. Select an amount from the appropriate multi-day matrix cell.....N/A
3. Multiply line 2 by number of days of violation minus 1.....N/A
4. Add line 1 and line 3.....\$1,000.00
5. Percent increase/decrease for good faith.....N/A
6. Percent increase for willfulness/negligence.....N/A
7. Percent increase for history of noncompliance.....N/A
8. Total lines 5 through 7.....N/A
9. Multiply line 4 by line 8.....N/A
10. Calculate economic benefit.....N/A
11. Add lines 4, 9 and 10 for penalty amount to be inserted into the complaint\$1,000.00

NARRATIVE EXPLANATION TO SUPPORT COMPLAINT AMOUNT

Requirement Violated: 6 NYCRR §§ 372.2(a)(8)(i)(a)(2), 373-1.1(d)(1)(iii)(c)(3) and (iv)(d), and 373-3.9(d)(3). Failure to clearly label or mark containers of hazardous waste with the words "Hazardous Waste" (Count 1).

1. Gravity Based Penalty
 - (a) Potential for Harm - The potential for harm present in this violation was determined to be MINOR. Respondent's failure to mark containers of hazardous waste stored at the Facility with the words "hazardous waste" poses a MINOR potential threat to the environment. Although the drums containing hazardous waste were not marked with the words "Hazardous Waste", they were in areas designated by Respondent as a storage areas for hazardous waste.
 - (b) Extent of Deviation - The extent of deviation present in this violation was determined to be MODERATE. The applicable cell ranges from \$500.00 to \$1,499.00. The mid-cell value was chosen because while the Respondent failed to label the containers of hazardous waste, the containers were in designated hazardous waste storage area.
 - (c) Multiple/Multi-day - N/A
2. Adjustment Factors
 - (a) Good Faith - N/A
 - (b) Willfulness/Negligence - N/A
 - (c) History of Compliance - N/A
 - (d) Ability to Pay - N/A
 - (e) Environmental Project - N/A
 - (f) Other Unique Factors - N/A
3. Economic Benefit - The economic benefit resulting from this violation was determined to be negligible, as the costs associated with marking containers is less than \$2,500.00.
4. Recalculation of Penalty Based on New Information - N/A

PENALTY COMPUTATION WORKSHEET

Respondent: Lunn Industries, Inc

Facility Address: 1 Garvies Point Road, Glen Cove, New York
11542-2828

Requirement Violated: 6 NYCRR §§ 372.2(a)(8)(ii) and 373-1.1(d)(1)(iii)(c)(2) and (iv)(d) and 40 C.F.R. § 262.34(a)(2). Failure to clearly mark accumulation start dates on containers of hazardous waste. (Count 2).

PENALTY AMOUNT FOR COMPLAINT

1. Gravity based penalty from matrix.....\$5,000.00
 - (a) Potential for harm.....MODERATE
 - (b) Extent of deviationMODERATE
2. Select an amount from the appropriate multi-day matrix cell..... N/A
3. Multiply line 2 by number of days of violation minus 1..... N/A
4. Add line 1 and line 3.....\$5,000.00
5. Percent increase/decrease for good faith..... N/A
6. Percent increase for willfulness/negligence.....N/A
7. Percent increase for history of noncompliance...N/A
8. Total lines 5 through 7.....N/A
9. Multiply line 4 by line 8.....N/A
10. Calculate economic benefit.....N/A
11. Add lines 4, 9 and 10 for penalty amount to be inserted into the complaint.....\$5,000.00

NARRATIVE EXPLANATION TO SUPPORT COMPLAINT AMOUNT

Requirement Violated: 6 NYCRR §§ 372.2(a)(8)(ii) and 373-1.1(d)(1)(iii)(c)(2) and (iv)(d). Failure to clearly mark accumulation start dates on containers of hazardous waste. (Count 2.)

1. Gravity Based Penalty

- (a) Potential for Harm - The potential for harm present in this violation was determined to be MODERATE. This violation does not represent a serious potential threat to the environment since it does not itself cause releases, i.e. a hazardous waste container will not leak because the accumulation date is not shown. Based upon the impact on the RCRA program, the potential for harm from this violation was determined to be MODERATE.
- (b) Extent of Deviation - The extent of deviation present in this violation was determined to be MODERATE. Respondent's non-compliance with the applicable regulation was significant. The applicable cell ranges from \$5,000.00 to \$7,999.00. Because of specific conditions at the facility the low-cell value was chosen.
- (c) Multiple/Multi-day - N/A

2. Adjustment Factors

- (a) Good Faith - N/A
- (b) Willfulness/Negligence - N/A
- (c) History of Compliance - N/A
- (d) Ability to Pay - N/A
- (e) Environmental Project - N/A
- (f) Other Unique Factors - N/A

- 3. Economic Benefit - The economic benefit resulting from this violation was determined to be negligible, as the costs associated with marking the accumulation start dates on the containers holding hazardous waste is less than \$2,500.00.

- 4. Recalculation of Penalty Based on New Information - N/A(a)

PENALTY COMPUTATION WORKSHEET

Respondent: Lunn Industries, Inc

Facility Address: 1 Garvies Point Road, Glen Cove, New York
11542-2828

Requirement Violated: 6 NYCRR § 372.2(a)(2). Failure to make
a hazardous waste determination (Count
3).

PENALTY AMOUNT FOR COMPLAINT

1. Gravity based penalty from matrix.....\$ 5,000.00
 - (a) Potential for harm.....MODERATE
 - (b) Extent of Deviation.....MODERATE
2. Select an amount from the appropriate multi-day matrix cell.....N/A
3. Multiply line 2 by number of days of violation minus 1.....N/A
4. Add line 1 and line 3.....\$ 5,000.00
5. Percent increase/decrease for good faith.....N/A
6. Percent increase for willfulness/negligence.....N/A
7. Percent increase for history of noncompliance....N/A
8. Total lines 5 through 7.....N/A
9. Multiply line 4 by line 8.....N/A
10. Calculate economic benefit.....N/A
11. Add lines 4, 9 and 10 for penalty amount to be inserted into the complaint.....\$5,000.00

NARRATIVE EXPLANATION TO SUPPORT COMPLAINT AMOUNT

Requirement Violated: 6 NYCRR § 372.2(a)(2). Failure to make a hazardous waste determination (Count 3).

1. Gravity Based Penalty

- (a) Potential for Harm - The potential for harm present in this violation was determined to be MODERATE. The risk of exposure to hazardous waste posed by not making a hazardous waste determination was considered to be MODERATE. The lack of hazardous waste determination could lead to improper exposure, handling and disposal of hazardous waste resulting in harm to health and the environment.
- (b) Extent of Deviation - The extent of deviation present in this violation was determined to be MODERATE. The violation was determined to be a significant deviation from the RCRA regulatory program. Because of the specific conditions at the facility the low-cell value was chosen.
- (c) Multiple/Multi-day - N/A.

2. Adjustment Factors

- (a) Good Faith - N/A
 - (b) Willfulness/Negligence - N/A
 - (c) History of Compliance - N/A
 - (d) Ability to Pay - N/A
 - (e) Environmental Project - N/A
 - (f) Other Unique Factors - N/A
3. Economic Benefit - The economic benefit Respondent derived from non-compliance with this regulation was determined to be negligible, as the cost associated with one time waste determination is less than \$2,500.00.
4. Recalculation of Penalty Based on New Information- N/A

PENALTY COMPUTATION WORKSHEET

Respondent: Lunn Industries, Inc

Facility Address: 1 Garvies Point Road, Glen Cove, New York
11542-2828

Requirement Violated: 6 NYCRR §§ 373-1.1(d)(1)(iii)(iv)(d) and
373-3.2(g). Failure to implement and
maintain a program of classroom
instruction or on the job training, and
related documents (Count 4).

PENALTY AMOUNT FOR COMPLAINT

1. Gravity based penalty from matrix.....\$ 5,000.00
 - (a) Potential for harm.....MODERATE
 - (b) Extent of Deviation.....MODERATE
2. Select an amount from the appropriate multi-day matrix cell.....N/A
3. Multiply line 2 by number of days of violation minus 1.....N/A
4. Add line 1 and line 3.....\$ 5,000.00
5. Percent increase/decrease for good faith.....N/A
6. Percent increase for willfulness/negligence.....N/A
7. Percent increase for history of noncompliance.....N/A
8. Total lines 5 through 7.....N/A
9. Multiply line 4 by line 8.....N/A
10. Calculate economic benefit.....N/A
11. Add lines 4, 9 and 10 for penalty amount to be inserted into the complaint.....\$ 5,000.00

NARRATIVE EXPLANATION TO SUPPORT COMPLAINT AMOUNT

Requirement Violated: 6 NYCRR §§ 373-1.1(d)(1)(iii)(iv)(d) and 373-3.2(g). Failure to implement and maintain a program of classroom instruction or on the job training, and related documents (Count 4).

1. Gravity Based Penalty

- (a) Potential for Harm - The potential for harm present in this violation was determined to be MODERATE. This violation was considered significant. Respondent's failures could result in the improper exposure, handling, and disposal of hazardous waste.
- (b) Extent of Deviation - The extent of deviation present in this violation was determined to be MODERATE. Respondent's failures are considered to be a significant deviation from the RCRA regulatory program. Because of the specific conditions at the facility the low-cell value was chosen.
- (c) Multiple/Multi-day - N/A.

2. Adjustment Factors

- (a) Good Faith - N/A
 - (b) Willfulness/Negligence - N/A
 - (c) History of Compliance - N/A
 - (d) Ability to Pay - N/A
 - (e) Environmental Project - N/A
 - (f) Other Unique Factors - N/A
3. Economic Benefit - The economic benefit Respondent derived from non-compliance with this regulation was determined to be negligible, as the costs associated with the implementing and maintaining a program of classroom instruction or on the job training is less than \$2,500.00.
4. Recalculation of Penalty Based on New Information - N/A

PENALTY COMPUTATION WORKSHEET

Respondent: Lunn Industries, Inc

Facility Address: 1 Garvies Point Road, Glen Cove, New York
11542-2828

Requirement Violated: 6 NYCRR §§ 373-1.1(d)(1)(iv)(d) and 373-
3.4(b). Failure to prepare and maintain
a contingency plan (Count 5).

PENALTY AMOUNT FOR COMPLAINT

1. Gravity based penalty from matrix.....\$2,999.00
 - (a) Potential for harm.....MINOR
 - (b) Extent of Deviation.....MAJOR
2. Select an amount from the appropriate multi-day matrix cell.....N/A
3. Multiply line 2 by number of days of violation minus 1.....N/A
4. Add line 1 and line 3.....\$2,999.00
5. Percent increase/decrease for good faith.....N/A
6. Percent increase for willfulness/negligence.....N/A
7. Percent increase for history of noncompliance....N/A
8. Total lines 5 through 7.....N/A
9. Multiply line 4 by line 8.....N/A
10. Calculate economic benefit.....N/A
11. Add lines 4, 9 and 10 for penalty amount to be inserted into the complaint.....\$2,999.00

NARRATIVE EXPLANATION TO SUPPORT COMPLAINT AMOUNT

Requirement Violated: 6 NYCRR §§ 373-1.1(d)(1)(iv)(d) and 373-3.4. Failure to prepare and maintain a contingency plan (Count 5).

1. Gravity Based Penalty

- (a) Potential for Harm - The potential for harm present in this violation was determined to be MINOR. The failure to prepare and maintain a contingency plan is typically considered to be a serious violation. In this particular case it was deemed to be minor due to the conditions prevailing in Respondent's hazardous waste storage area, including the fact that the area was paved and maintained in a generally orderly manner.
- (b) Extent of Deviation - The extent of deviation present in this violation was determined to be MAJOR. Respondent substantially deviated from the RCRA program by not having any contingency plan at the time of the inspections. The applicable cell ranges from \$1,500.00 to \$2,999.00. The high-cell value was chosen because of the seriousness of the violation.
- (c) Multiple/Multi-day - N/A.

2. Adjustment Factors

- (a) Good Faith - N/A
- (b) Willfulness/Negligence - N/A
- (c) History of Compliance - N/A
- (d) Ability to Pay - N/A
- (e) Environmental Project - N/A
- (f) Other Unique Factors - N/A

- 3. Economic Benefit - The economic benefit Respondent derived from non-compliance with this regulation was determined to be negligible, as the costs associated with having a contingency plan for the Facility is less than \$2,500.00.

- 4. Recalculation of Penalty Based on New Information- N/A

PENALTY COMPUTATION WORKSHEET

Respondent: Lunn Industries, Inc.

Facility Address: 1 Garvies Point Road, Glen Cove, New York
11542-2828

Requirement Violated: 6 NYCRR §§ 372.2(a)(8)(ii), and 373-
1.1(d)(1)(iii) and (iv). On-site storage of
hazardous waste for more than 90 days
(Count 6).

PENALTY AMOUNT FOR COMPLAINT

1. Gravity based penalty from matrix.....\$ 5,000.00
 - (a) Potential for harm.....MODERATE
 - (b) Extent of Deviation.....MODERATE
2. Select an amount from the appropriate multi-day matrix cell.....N/A
3. Multiply line 2 by number of days of violation minus 1.....N/A
4. Add line 1 and line 3.....\$ 5,000.00
5. Percent increase/decrease for good faith.....N/A
6. Percent increase for willfulness/negligence.....N/A
7. Percent increase for history of noncompliance....N/A
8. Total lines 5 through 7.....N/A
9. Multiply line 4 by line 8.....N/A
10. Calculate economic benefit.....N/A
11. Add lines 4, 9 and 10 for penalty amount to be inserted into the complaint.....\$ 5,000.00

NARRATIVE EXPLANATION TO SUPPORT COMPLAINT AMOUNT

Requirement Violated: 6 NYCRR §§ 372.2(a)(8)(ii), and 373-1.1(d)(1)(iii) and (iv). On-site storage of hazardous waste for more than 90 days (Count 6).

1. Gravity Based Penalty

- (a) Potential for Harm - The potential for harm present in this violation was determined to be MODERATE. Unauthorized storage of hazardous waste for longer than 90 day periods poses a significant potential for the inadvertent release of hazardous waste since it can result in the indefinite storage with consequent detriment to the physical integrity of the containers.
- (b) Extent of Deviation - The extent of deviation present in this violation was determined to be MODERATE. Respondent's actions significantly deviated from the regulations designed to prevent mishandling and disposal of hazardous waste. Because of the specific conditions at the facility the low-cell was chosen.
- (c) Multiple/Multi-day - N/A.

2. Adjustment Factors

- (a) Good Faith - N/A
- (b) Willfulness/Negligence - N/A
- (c) History of Compliance - N/A
- (d) Ability to Pay - N/A
- (e) Environmental Project - N/A
- (f) Other Unique Factors - N/A

3. Economic Benefit - The economic benefit Respondent derived from non-compliance with this regulation was determined to be negligible, as the costs associated with shipping the wastes on time does not affect the Facility.

4. Recalculation of Penalty Based on New Information - N/A

ATTACHMENT II

EXTENT OF DEVIATION FROM REQUIREMENT

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	MAJOR	MODERATE	MINOR
MAJOR	\$25,000 TO 20,000	\$19,999 TO 15,000	\$14,999 TO 11,000
MODERATE	\$10,999 TO 8,000	\$7,999 TO 5,000	\$4,999 TO 3,000
MINOR	\$2,999 TO 1,500	\$1,499 TO 500	\$499 TO 100

ATTACHMENT III

MULTI-DAY MATRIX

EXTENT OF DEVIATION FROM REQUIREMENT

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	MAJOR	MODERATE	MINOR
MAJOR	\$5,000 TO 1,000	\$4,999 TO 750	\$3,000 TO 550
MODERATE	\$2,200 TO 400	\$1,600 TO 250	\$1,000 TO 150
MINOR	\$600 TO 100	\$300 TO 100	\$100

Miss Pickett

to Mary - Nov

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Equipment -

due May 1st

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

In the Matter of

LUNN INDUSTRIES INC.,

Respondent.

Proceeding under Section 3008
of the Solid Waste Disposal
Act, as amended.

NYR 000001420

COMPLAINT, COMPLIANCE ORDER
AND NOTICE OF OPPORTUNITY
FOR HEARING

Docket No. II RCRA-96-0203

FINAL

COMPLAINT

This is a civil administrative proceeding instituted pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments of 1984 ("HSWA"), 42 U.S.C. §§ 6901 et seq. (the "Act" or "RCRA").

Section 3006(b) of the Act, 42 U.S.C. § 6926(b), provides that the Administrator of the United States Environmental Protection Agency ("EPA") may, if certain criteria are met, authorize a state to operate a hazardous waste program in lieu of the federal program. The State of New York received final authorization to administer its base hazardous waste program on May 29, 1986, and authorization for many of the HSWA requirements on May 22, 1992. Section 3008 of the Act, 42 U.S.C. § 6928, authorizes EPA to enforce the provisions of the authorized State program and the regulations promulgated thereunder. EPA still retains primary responsibility for certain requirements promulgated pursuant to HSWA.

This COMPLAINT, COMPLIANCE ORDER AND NOTICE OF OPPORTUNITY FOR HEARING ("Complaint") serves notice of EPA's preliminary determination that the Respondent herein, LUNN INDUSTRIES, INC., has violated requirements of Subtitle C of the RCRA, the New York State Environmental Conservation Law, and the regulations promulgated thereunder concerning the management of hazardous waste.

The Complainant in this proceeding, the Director of the Air and Waste Management Division of the Environmental Protection Agency, Region II, who has been duly delegated the authority to institute this action, upon information and belief, hereby alleges:

1. Respondent is Lunn Industries, Inc., ("Respondent").
2. Respondent owns and operates a facility that is the subject of this Complaint at 1 Garvies Point Road, Glen Cove, Nassau County, New York 11542-2828 ("Respondent's facility" or "Facility").
3. Respondent is a corporation organized pursuant to the laws of the State of Delaware.
4. Respondent is a "person", as that term is defined in Section 1004(15) of the Act, 42 U.S.C. § 6903(15), Title 6 New York Codes, Rules, and Regulations (6 NYCRR) § 370.2(b)(133), and 40 C.F.R. § 260.10.
5. On or about March 3, 1995, Respondent submitted to EPA a Notification of Regulated Waste Activity, notifying EPA that Respondent's facility generates greater than 1000 kg per month of hazardous waste.
6. In response to the notification, on or about March 13, 1995, EPA provided Respondent with EPA identification number NYR000001420 for Respondent's facility.
7. Respondent is a "generator" of "hazardous waste" as those terms are defined in 6 NYCRR §§ 370.2(b)(75) and 371.1(d), and 40 C.F.R. §§ 260.10 and 261.3.
8. Title 40 C.F.R. Part 260 et seq. establishes federal standards for facilities which generate, treat, store or dispose of hazardous waste. Title 6 NYCRR Part 370 et seq. establishes New York requirements for facilities which generate, treat, store or dispose of hazardous waste.
9. Pursuant to Section 3007 of the Act, 42 U.S.C. § 6927, on or about June 14, 1995, a duly designated representative of EPA conducted an inspection of Respondent's facility to determine Respondent's compliance with applicable federal and state requirements governing hazardous wastes (the "June Inspection").
10. At the time of the June inspection, Respondent was accumulating hazardous waste in containers in an area designated as the "Higher" storage area at Respondent's facility ("Higher storage area").
11. Pursuant to Section 3007 of the Act, 42 U.S.C. § 6927, on or about August 4, 1995, a duly designated representative of the EPA conducted an inspection of Respondent's facility to determine Respondent's compliance with applicable federal and state requirements governing hazardous wastes (the "August Inspection").

12. At the time of the August Inspection, Respondent was accumulating hazardous waste in containers in an area designated as the "Lower" storage area at Respondent's facility ("Lower storage area").

13. At the time of the August Inspection, Respondent was accumulating hazardous waste in containers in the Higher storage area.

14. Pursuant to Section 3007 of the Act, 42 U.S.C. § 6927, on or about October 16, 1995, EPA sent Respondent an Information Request Letter to determine Respondent's compliance with applicable federal and state requirements governing hazardous wastes. ("RCRA 3007 Information Request"). On or about November 17, 1995, Respondent submitted a response to the RCRA 3007 Information Request.

15. At the times of the June Inspection and August Inspection, Respondent's Facility did not have a hazardous waste permit or interim status.

Count 1 - Hazardous Waste Labels

16. Complainant realleges each allegation contained in Paragraphs 1 through 15 above with the same force and effect as if fully set forth herein.

17. Pursuant to 6 NYCRR §§ 372.2(a)(8)(ii), 373-1.1(d)(1)(iv)(d), 373-1.1(d)(1)(iii)(c)(1) and (3), and 373-3.9(d)(3), a generator in Nassau County, New York, must mark or label all containers used to accumulate hazardous waste on-site with the words "Hazardous Waste" and with other words that identify the contents of the containers.

18. At the time of the June Inspection, containers holding hazardous waste being accumulated in the Higher storage area at Respondent's Facility were not labeled or marked with the words "Hazardous Waste" and with other words that identified the contents of the containers.

19. Respondent's failure to clearly label or mark all containers holding hazardous waste with the words "Hazardous Waste" and with other words that identified the contents of the containers constitutes violation of 6 NYCRR §§ 372.2(a)(8)(ii), 373-1.1(d)(1)(iv)(d), 373-1.1(d)(1)(iii)(c)(1) and (3), and 373-3.9(d)(3).

Count 2 - Accumulation Start Date

20. Complainant realleges each allegation contained in Paragraphs 1 through 15 above with the same force and effect as if fully set forth herein.

21. Pursuant to 6 NYCRR Sections 372.2(a)(8)(ii), 373-1.1(d)(1)(iv)(d), and 373-1.1(d)(1)(iii)(c)(2) a generator in Nassau County, New York may accumulate hazardous waste on-site for a period of 90 days or less without a permit, or without having interim status provided, inter alia, the date on which each period of accumulation begins is clearly marked and visible for inspection on each container.

22. At the time of the June Inspection, the date on which each period of accumulation began was not marked and visible on each container holding hazardous waste being accumulated in the Higher storage area of Respondent's facility.

23. At the time of the August Inspection, the date on which each period of accumulation began was not marked and visible for inspection on each container holding hazardous waste being accumulated in the Lower storage area of Respondent's facility.

24. At the time of the August Inspection, the date on which each period of accumulation began was not marked and visible for inspection on each container holding hazardous waste being accumulated in the Higher storage area of Respondent's facility.

25. Respondent's failure to mark accumulation start dates on each container of hazardous waste in the storage areas at Respondent's Facility constitute violations of 6 NYCRR §§ 372.2(a)(8)(ii), 373-1.1(d)(1)(iv), and 373-1.1(d)(1)(iii)(c).

Count 3 - Hazardous Waste Determination

26. Complainant realleges each allegation contained in Paragraphs 1 through 15 above with the same force and effect as if fully set forth herein.

27. Pursuant to 6 NYCRR § 372.2(a)(2), a person who generates a solid waste must determine if that waste is a hazardous waste using the following method:

(i) first determine if the waste is excluded from regulation under section 371.1(e), exclusions, of Title 6 NYCRR;

(ii) then determine if the waste is listed as a hazardous waste in section 371.4 of Title 6 NYCRR;

(iii) for purposes of compliance with Part 376 of this title or if the waste is not listed as a hazardous waste in section 371.4 of this Title, the generator must then determine whether the waste is identified in section 371.3 of this Title by either:

(a) testing the waste according to the methods set forth in Appendix 19, 20 or 21, infra, or according to an equivalent method approved under section 370.3(b) of this title; or

(b) applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.

28. At the time of the June Inspection, Respondent had not made hazardous waste determinations of solid wastes generated at the Facility according to the above-referenced methods.

29. At the time of the August Inspection, Respondent had not made hazardous waste determinations of solid waste generated at the Facility according to the above-referenced methods.

30. Respondent's failures to make a hazardous waste determination of solid wastes generated at the Facility according to the above-referenced methods constitute violations of 6 NYCRR § 372.2(a)(2).

Count 4 - Personnel Training and Records

31. Complainant realleges each allegation contained in Paragraphs 1 through 15 above with the same force and effect as if fully set forth herein.

32. Pursuant to 6 NYCRR § 373-1.1(d)(iv)(d), 373-1.1(iii)(c)(5), and 373-3.2(g)(1)(i), personnel at a facility handling hazardous waste must successfully complete a program of classroom instruction or on-the job training that teaches them to perform their duties in a way that ensures facility compliance with the requirements of this part (the "Training Program"). The owner or operator must ensure that the Training Program includes all the elements described in the document required under 6 NYCRR § 373-3.2(g)(4)(iii).

33. Pursuant to 6 NYCRR § 373-3.2(g)(1)(ii), the Training Program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.

34. Pursuant to 6 NYCRR §§ 373-3.2(g)(2) and (3), facility personnel must complete the training program within six months of

their employment or assignment to a new position, and must participate in an annual review of the training program.

35. Pursuant to 6 NYCRR § 373-3.2(g)(4) the owner or operator of a facility managing hazardous waste must maintain the following records at the facility: a written job description for each position at the facility related to hazardous waste management, including at least the requisite skill, education or other qualifications, and duties of employees assigned to each such position; a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position at the facility related to hazardous waste management; and records which document that the training or job experience required under 6 NYCRR § 373-3.2(g)(1), (2) and (3) has been given to, and completed by facility personnel.

36. At the time of the June Inspection, Respondent had failed to provide its employees with a training program meeting the requirements of 6 NYCRR §§ 373-3.2(g)(1), (2), and (3), and to maintain records in accordance with 6 NYCRR § 373-3.2(g)(4).

37. At the time of the August Inspection, Respondent had failed to provide its employees with a training program meeting the requirements of 6 NYCRR §§ 373-3.2(g)(1), (2), and (3), and to maintain records in accordance with 6 NYCRR § 373-3.2(g)(4).

38. Respondent's failures to provide a training program and maintain required records constitute violations of 6 NYCRR § 373-3.2(g).

Count 5 - Contingency Plan.

39. Complainant repeats each allegation contained in Paragraphs 1 through 15 above with the same force and effect as if fully set forth herein.

40. Pursuant to 6 NYCRR §§ 373-3.4(b)(1), 373-1.1(d)(1)(iv)(d), and 373-1.1(d)(1)(iii)(c)(5), each owner or operator in Nassau County, New York, must have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

41. Pursuant to 6 NYCRR §§ 373-3.4(d) a copy of the contingency plan must be provided to the local fire department.

42. At the times of the June Inspection and the August Inspection Respondent had failed to prepare and maintain a contingency plan for the Facility.

43. Prior to December 15, 1995, Respondent failed to provide a copy of a contingency plan to the local fire department.

44. Respondent's failure to prepare and maintain a contingency plan, and provide a copy to the local fire department constitutes violations of 6 NYCRR §§ 373-3.4(b)(1) and (d), 373-1.1(d)(1)(iv)(d) and 373-1.1(d)(iii)(c)(5).

COUNT 6 - Accumulation of Hazardous Waste in Excess of 90 Days

45. Complainant repeats each allegation contained in Paragraphs 1 through 15 above with the same force and effect as if fully set forth herein.

46. Pursuant to 6 NYCRR §§ 372.2(a)(8)(ii) and 373-1.1(d)(1)(iv), a generator in Nassau County may accumulate hazardous waste on-site of generation for a period of 90 days or less.

47. At the time of the June Inspection and August Inspection, Respondent accumulated hazardous waste in containers for a period of greater than 90 days.

48. Respondent's accumulation at the Facility of hazardous waste for a period exceeding 90 days constitutes violations of 6 NYCRR §§ 372.2(a)(8)(ii) and 373-1.1(d)(1)(iv).

PROPOSED CIVIL PENALTY

The proposed civil penalty has been determined in accordance with Section 3008(a)(3) of the Act, 42 U.S.C. § 6928(a)(3). For purposes of determining the amount of any penalty assessed, Section 3008(a)(3) requires EPA to "take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements." To develop the proposed penalty in this Complaint, the Complainant has taken into account the particular facts and circumstances of this case with specific reference to EPA's 1990 RCRA Civil Penalty Policy, a copy of which is available upon request. This policy provides a rational, consistent and equitable calculation methodology for applying the statutory penalty factors to particular cases.

The Complainant proposes that the Respondent be assessed the following civil penalty for the violations alleged in this

Complaint. A penalty calculation worksheet and narrative explanation to support the penalty figure for each violation cited in this Complaint is included in Attachment I and II below. Matrices employed in the determination of the individual and multi-day penalties are included in Attachment III.

<u>Count 1</u>	For violation of 6 NYCRR §§ 372.2(a)(8)(i)(a)(2), 373-1.1(d)(1)(iii)(c)(3) and (iv)(d), 373-3.9(d)(3)	\$ 1,000.00
<u>Count 2</u>	For violation of 6 NYCRR §§ 372.2(a)(8)(ii), 373-1.1(d)(1)(iii)(c)(2) and (iv)(d)	\$ 5,000.00
<u>Count 3</u>	For violation of 6 NYCRR § 372.2(a)(2)	\$ 5,000.00
<u>Count 4</u>	For violation of 6 NYCRR §§ 373-1.1(d)(1)(iv)(d) and 373-3.2(g).....	\$ 5,000.00
<u>Count 5</u>	For violation of 6 NYCRR §§ 373-1.1(d)(1)(iv)(d) and 373-3.4(b).....	\$ 2,999.00
<u>Count 6</u>	For violation of 6 NYCRR §§ 372.2(a)(8)(ii) and 373-1.1(d)(1)(iii) and (iv).....	\$ 5,000.00
TOTAL PENALTY		\$ 23,999.00

19,199.20

offer 3,800

COMPLIANCE ORDER

Based upon the foregoing, and pursuant to the authority of Section 3008 of the Act, Complainant herewith issues the following Compliance Order to the Respondent:

1. The Respondent shall within ten (10) calendar days of the effective date of this Compliance Order clearly mark the accumulation start dates on each container of hazardous waste in storage at the Facility.
2. The Respondent shall within ten (10) calendar days of the effective date of this Compliance Order clearly mark each container of hazardous waste in storage at the Facility with the words "Hazardous Waste".
3. The Respondent shall within ninety (90) calendar days of the effective date of this Compliance Order develop and implement a hazardous waste training program in compliance with 6 NYCRR § 373-3.2(g), prepare all of the records required by this section, and establish a system for the maintenance of such records for the time periods required by 6 NYCRR § 373-3.2(g)(5).
4. The Respondent shall within ninety (90) days of the effective date of this Compliance Order develop and implement a contingency plan for the Facility designed to minimize hazards to human health or the environment from fires, explosions or any sudden or non sudden release of hazardous wastes or hazardous waste constituents to air, soil or surface water.
5. The Respondent shall submit to EPA a written status report, to be accompanied by copies of all appropriate supporting documentation, of its compliance and schedule for compliance for each of the requirements set forth herein within ten (10) calendar days of the effective date of this Compliance Order. If the Respondent is in noncompliance with a particular requirement, the notice shall state the reasons for noncompliance and shall provide a schedule for achieving expeditious compliance with the requirement.
6. Respondent shall ship off-site any containers holding hazardous waste which were on-site during the June and August Inspections within ten (10) days from the effective date of this Compliance Order, and submit to EPA a copy of all manifests and land ban notifications that accompany each manifest record for the shipments.
7. The Respondent shall submit the above required information and notices to the following addressees:

George C. Meyer, P.E., Chief
Hazardous Waste Compliance Branch
U.S. Environmental Protection Agency, Region II
290 Broadway, 22nd Floor
New York, NY 10007-1866

Marianna Dominguez
Environmental Engineer
Hazardous Waste Compliance Branch
U.S. Environmental Protection Agency, Region II
290 Broadway, 22nd Floor
New York, NY 10007-1866

NOTICE OF LIABILITY FOR ADDITIONAL CIVIL PENALTIES

Pursuant to the terms of Section 3008(c) of the Act, a violator failing to take corrective action within the time specified in a Compliance Order is liable for a civil penalty of up to \$25,000 for each day of continued noncompliance. Such continued noncompliance may also result in suspension or revocation of any permits issued to the violator whether issued by the EPA or the State of New York.

NOTICE OF OPPORTUNITY TO REQUEST A HEARING

As provided in Section 3008(b) of the Act, and in accordance with EPA's Consolidated Rules of Practices Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22, 45 Federal Register 24360 (April 9, 1980) (a copy of which accompanies this Complaint) you have the right to request a Hearing to contest any material fact set out in the Complaint, or to contest the appropriateness of the proposed penalty, or the terms of the Compliance Order. (Consistent with the provisions of Section 3008(b) of the Act, should you request a public Hearing, notice of the Hearing will be provided and the Hearing will be open to the general public. However, in the absence of such a specific request, public notice of a scheduled Hearing will not be published.)

To avoid being found in default and having the proposed civil penalty assessed and the Compliance Order confirmed without further proceedings, you must file a written Answer to the Complaint, which may include a request for a Hearing. Your Answer, if any, must be addressed to the U.S. Environmental Protection Agency, Regional Hearing Clerk, 290 Broadway, New York, New York 10007-1866, and must be filed within thirty (30) calendar days of your receipt of this Complaint, Compliance Order, and Notice of Opportunity for Hearing.

Your answer must clearly and directly admit, deny, or explain each of the factual allegations contained in the

Complaint, and should contain (1) a clear statement of the facts which constitute the grounds of your defense, and (2) a concise statement of the contentions which you intend to place in issue at the Hearing.

The denial of any material fact, or the raising of any affirmative defense, will be construed as a request for a Hearing. Failure to deny any of the factual allegations in the Complaint will be deemed to constitute an admission of the undenied allegations. Your failure to file a written Answer within thirty (30) calendar days of receipt of this instrument will be deemed to represent your admission of all facts alleged in the Complaint, and a waiver of your right to a formal Hearing to contest any of the facts alleged by the Complainant. Your default may result in the final issuance of the Compliance Order, and assessment of the proposed civil penalty, without further proceedings.

INFORMAL SETTLEMENT CONFERENCE

Whether or not you request a Hearing, the EPA encourages settlement of this proceeding consistent with the provisions of the Act. At an informal conference with a representative of the Complainant you may comment on the charges and provide whatever additional information you feel is relevant to the disposition of this matter, including any actions you have taken to correct the violation, and any other special circumstances you care to raise. The Complainant has the authority to modify the amount of the proposed penalty, where appropriate, to reflect any settlement agreement reached with you in such a conference, or to recommend that any or all of the charges be dismissed, if the circumstances so warrant. Your request for any informal conference and other questions that you may have regarding this Complaint, Compliance Order, and Notice of Opportunity for Hearing should be directed to L. Sharry Hammond, Assistant Regional Counsel, Air, Waste & Toxic Substances Branch, U.S. Environmental Protection Agency, Region II, 290 Broadway, 16th floor, New York, New York 10007, telephone (212) 637-3250.

Please note that a request for an informal settlement conference does not extend the thirty (30) day period during which a written Answer and Request for a Hearing must be submitted nor does it extend the dates specified in the Compliance Order.

The informal conference procedure may be pursued as an alternative to, or simultaneously with, the adjudicatory Hearing procedure. However, no penalty reduction will be made simply because such a conference is held.

Any settlement which may be reached as a result of such conference will be embodied in a written Consent Agreement and Consent Order to be issued by the Regional Administrator. Your signing of such Consent Agreement would constitute a waiver of your right to request a Hearing on any matter stipulated to therein.

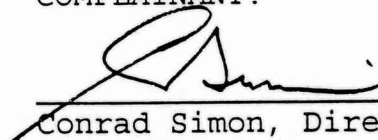
Entering into a settlement through signing of such Consent Agreement and continued compliance with the terms and conditions set forth in both the Consent Agreement and Compliance Order will terminate this administrative litigation and the civil proceedings arising out of the allegations made in the Complaint. Your entering into a settlement and continuing compliance with the conditions set forth in the Consent Agreement and Compliance Order do not extinguish, satisfy or otherwise affect your obligation and responsibility to comply with all other applicable regulations and requirements set forth in, and/or promulgated pursuant to, the Act, and to maintain such compliance.

RESOLUTION OF THIS PROCEEDING WITHOUT HEARING OR CONFERENCE

Instead of filing an Answer, requesting a Hearing or requesting an informal settlement conference, you may choose to comply with the terms of the Compliance Order, and to pay the proposed penalty. In that case, payment should be made by sending a check in the amount of the penalty specified in the "Proposed Civil Penalty" Section of this instrument to the Regional Hearing Clerk, EPA-Region II, P.O. Box 360188M, Pittsburgh, PA 15251. If you choose to resolve this proceeding in this manner, the effective date of the Compliance Order shall be twenty (20) days after the date on your check submitted in payment of the penalty. A copy of the check should be sent to L. Sharpy Hammond, Esq., at the address referenced above. Your check must be made payable to the Treasurer of the United States.

DATE: MAR 28 1996

COMPLAINANT:


 Conrad Simon, Director
 Air & Waste Management Division
 Environmental Protection Agency
 Region II

TO: Alan Baldwin, Chief Executive Officer
 Lunn Industries, Inc.
 1 Garvies Point Road
 Glen Cove, New York 11542-2828

cc: Lawrence Nadler
 Unit Supervisor
 Hazardous Waste Compliance and Enforcement Unit - NYSDEC

Certificate of Service

This is to certify that on the day of MARCH 29,, 1996, I served a true and correct copy of the foregoing Complaint and a copy of the Consolidated Rules of Practice by certified mail, return receipt requested, to Mr. Alan Baldwin, Chief Executive Officer, Lunn Industries, Inc, 1 Garvies Point Road, Glen Cove, New York 11542-2828. I hand carried the original and a copy of the foregoing Complaint to the Regional Hearing Clerk.

Jessie Lunn

bcc: Marianna Dominguez, 2AWM-HWC
George Meyer, 2AWM-HWC
John Gorman, 2AWM-HWC
L. Sharry Hammond, 2ORC-AWTS
Carolyn Carr, RAATS, OS-520
Joseph Clore, 2AWM-HWF

ATTACHMENT I

REASONING BEHIND PROPOSED PENALTY

Pursuant to 40 C.F.R. § 22.14(a)(4) and (5), EPA is providing the Respondent with this statement explaining the reasoning behind the proposed penalty assessed for each violation cited in this Complaint. Attached in this Complaint the Respondent will find the EPA Penalty Computation Worksheet ("Worksheet") for the alleged violations for which the Respondent has been assessed a proposed penalty (Attachment II).

ATTACHMENT II-1

PENALTY COMPUTATION WORKSHEET

Respondent: Lunn Industries, Inc.

Facility Address: 1 Garvies Point Road, Glen Cove, New York
11542-2828

Requirement Violated: 6 NYCRR §§ 372.2(a)(8)(i)(a)(2), 373-
1.1(d)(1)(iii)(c)(3) and (iv)(d), 373-
3.9(d)(3). Failure to clearly label or
mark containers of hazardous waste with
the words "Hazardous Waste" (Count 1).

PENALTY AMOUNT FOR COMPLAINT

1. Gravity based penalty from matrix.....\$1,000.00
 - (a) Potential for harm.....MINOR
 - (b) Extent of Deviation.....MODERATE
2. Select an amount from the appropriate multi-day matrix cell.....N/A
3. Multiply line 2 by number of days of violation minus 1.....N/A
4. Add line 1 and line 3.....\$1,000.00
5. Percent increase/decrease for good faith.....N/A
6. Percent increase for willfulness/negligence.....N/A
7. Percent increase for history of noncompliance.....N/A
8. Total lines 5 through 7.....N/A
9. Multiply line 4 by line 8.....N/A
10. Calculate economic benefit.....N/A
11. Add lines 4, 9 and 10 for penalty amount to be inserted into the complaint\$1,000.00

NARRATIVE EXPLANATION TO SUPPORT COMPLAINT AMOUNT

Requirement Violated: 6 NYCRR §§ 372.2(a)(8)(i)(a)(2), 373-1.1(d)(1)(iii)(c)(3) and (iv)(d), and 373-3.9(d)(3). Failure to clearly label or mark containers of hazardous waste with the words "Hazardous Waste" (Count 1).

1. Gravity Based Penalty
 - (a) Potential for Harm - The potential for harm present in this violation was determined to be MINOR. Respondent's failure to mark containers of hazardous waste stored at the Facility with the words "hazardous waste" poses a MINOR potential threat to the environment. Although the drums containing hazardous waste were not marked with the words "Hazardous Waste", they were in areas designated by Respondent as a storage areas for hazardous waste.
 - (b) Extent of Deviation - The extent of deviation present in this violation was determined to be MODERATE. The applicable cell ranges from \$500.00 to \$1,499.00. The mid-cell value was chosen because while the Respondent failed to label the containers of hazardous waste, the containers were in designated hazardous waste storage area.
 - (c) Multiple/Multi-day - N/A
2. Adjustment Factors
 - (a) Good Faith - N/A
 - (b) Willfulness/Negligence - N/A
 - (c) History of Compliance - N/A
 - (d) Ability to Pay - N/A
 - (e) Environmental Project - N/A
 - (f) Other Unique Factors - N/A
3. Economic Benefit - The economic benefit resulting from this violation was determined to be negligible, as the costs associated with marking containers is less than \$2,500.00.
4. Recalculation of Penalty Based on New Information - N/A

PENALTY COMPUTATION WORKSHEET

Respondent: Lunn Industries, Inc

Facility Address: 1 Garvies Point Road, Glen Cove, New York
11542-2828

Requirement Violated: 6 NYCRR §§ 372.2(a)(8)(ii) and 373-1.1(d)(1)(iii)(c)(2) and (iv)(d) and 40 C.F.R. § 262.34(a)(2). Failure to clearly mark accumulation start dates on containers of hazardous waste. (Count 2).

PENALTY AMOUNT FOR COMPLAINT

1. Gravity based penalty from matrix.....\$5,000.00
 - (a) Potential for harm.....MODERATE
 - (b) Extent of deviationMODERATE
2. Select an amount from the appropriate multi-day matrix cell..... N/A
3. Multiply line 2 by number of days of violation minus 1..... N/A
4. Add line 1 and line 3.....\$5,000.00
5. Percent increase/decrease for good faith..... N/A
6. Percent increase for willfulness/negligence.....N/A
7. Percent increase for history of noncompliance...N/A
8. Total lines 5 through 7.....N/A
9. Multiply line 4 by line 8.....N/A
10. Calculate economic benefit.....N/A
11. Add lines 4, 9 and 10 for penalty amount to be inserted into the complaint.....\$5,000.00

NARRATIVE EXPLANATION TO SUPPORT COMPLAINT AMOUNT

Requirement Violated: 6 NYCRR §§ 372.2(a)(8)(ii) and 373-1.1(d)(1)(iii)(c)(2) and (iv)(d). Failure to clearly mark accumulation start dates on containers of hazardous waste. (Count 2.)

1. Gravity Based Penalty

- (a) Potential for Harm - The potential for harm present in this violation was determined to be MODERATE. This violation does not represent a serious potential threat to the environment since it does not itself cause releases, i.e. a hazardous waste container will not leak because the accumulation date is not shown. Based upon the impact on the RCRA program, the potential for harm from this violation was determined to be MODERATE.
- (b) Extent of Deviation - The extent of deviation present in this violation was determined to be MODERATE. Respondent's non-compliance with the applicable regulation was significant. The applicable cell ranges from \$5,000.00 to \$7,999.00. Because of specific conditions at the facility the low-cell value was chosen.
- (c) Multiple/Multi-day - N/A

2. Adjustment Factors

- (a) Good Faith - N/A
 - (b) Willfulness/Negligence - N/A
 - (c) History of Compliance - N/A
 - (d) Ability to Pay - N/A
 - (e) Environmental Project - N/A
 - (f) Other Unique Factors - N/A
3. Economic Benefit - The economic benefit resulting from this violation was determined to be negligible, as the costs associated with marking the accumulation start dates on the containers holding hazardous waste is less than \$2,500.00.
4. Recalculation of Penalty Based on New Information - N/A(a)

PENALTY COMPUTATION WORKSHEET

Respondent: Lunn Industries, Inc

Facility Address: 1 Garvies Point Road, Glen Cove, New York
11542-2828

Requirement Violated: 6 NYCRR § 372.2(a)(2). Failure to make
a hazardous waste determination (Count
3).

PENALTY AMOUNT FOR COMPLAINT

1. Gravity based penalty from matrix.....\$ 5,000.00
 - (a) Potential for harm.....MODERATE
 - (b) Extent of Deviation.....MODERATE
2. Select an amount from the appropriate multi-day matrix cell.....N/A
3. Multiply line 2 by number of days of violation minus 1.....N/A
4. Add line 1 and line 3.....\$ 5,000.00
5. Percent increase/decrease for good faith.....N/A
6. Percent increase for willfulness/negligence.....N/A
7. Percent increase for history of noncompliance....N/A
8. Total lines 5 through 7.....N/A
9. Multiply line 4 by line 8.....N/A
10. Calculate economic benefit.....N/A
11. Add lines 4, 9 and 10 for penalty amount to be inserted into the complaint.....\$5,000.00

NARRATIVE EXPLANATION TO SUPPORT COMPLAINT AMOUNT

Requirement Violated: 6 NYCRR § 372.2(a)(2). Failure to make a hazardous waste determination (Count 3).

1. Gravity Based Penalty

- (a) Potential for Harm - The potential for harm present in this violation was determined to be MODERATE. The risk of exposure to hazardous waste posed by not making a hazardous waste determination was considered to be MODERATE. The lack of hazardous waste determination could lead to improper exposure, handling and disposal of hazardous waste resulting in harm to health and the environment.
- (b) Extent of Deviation - The extent of deviation present in this violation was determined to be MODERATE. The violation was determined to be a significant deviation from the RCRA regulatory program. Because of the specific conditions at the facility the low-cell value was chosen.
- (c) Multiple/Multi-day - N/A.

2. Adjustment Factors

- (a) Good Faith - N/A
- (b) Willfulness/Negligence - N/A
- (c) History of Compliance - N/A
- (d) Ability to Pay - N/A
- (e) Environmental Project - N/A
- (f) Other Unique Factors - N/A

3. Economic Benefit - The economic benefit Respondent derived from non-compliance with this regulation was determined to be negligible, as the cost associated with one time waste determination is less than \$2,500.00.

4. Recalculation of Penalty Based on New Information- N/A

PENALTY COMPUTATION WORKSHEET

Respondent: Lunn Industries, Inc

Facility Address: 1 Garvies Point Road, Glen Cove, New York
11542-2828

Requirement Violated: 6 NYCRR §§ 373-1.1(d)(1)(iii)(iv)(d) and
373-3.2(g). Failure to implement and
maintain a program of classroom
instruction or on the job training, and
related documents (Count 4).

PENALTY AMOUNT FOR COMPLAINT

1. Gravity based penalty from matrix.....\$ 5,000.00
 - (a) Potential for harm.....MODERATE
 - (b) Extent of Deviation.....MODERATE
2. Select an amount from the appropriate multi-day matrix cell.....N/A
3. Multiply line 2 by number of days of violation minus 1.....N/A
4. Add line 1 and line 3.....\$ 5,000.00
5. Percent increase/decrease for good faith.....N/A
6. Percent increase for willfulness/negligence.....N/A
7. Percent increase for history of noncompliance.....N/A
8. Total lines 5 through 7.....N/A
9. Multiply line 4 by line 8.....N/A
10. Calculate economic benefit.....N/A
11. Add lines 4, 9 and 10 for penalty amount to be inserted into the complaint.....\$ 5,000.00

NARRATIVE EXPLANATION TO SUPPORT COMPLAINT AMOUNT

Requirement Violated: 6 NYCRR §§ 373-1.1(d)(1)(iii)(iv)(d) and 373-3.2(g). Failure to implement and maintain a program of classroom instruction or on the job training, and related documents (Count 4).

1. Gravity Based Penalty

- (a) Potential for Harm - The potential for harm present in this violation was determined to be MODERATE. This violation was considered significant. Respondent's failures could result in the improper exposure, handling, and disposal of hazardous waste.
- (b) Extent of Deviation - The extent of deviation present in this violation was determined to be MODERATE. Respondent's failures are considered to be a significant deviation from the RCRA regulatory program. Because of the specific conditions at the facility the low-cell value was chosen.
- (c) Multiple/Multi-day - N/A.

2. Adjustment Factors

- (a) Good Faith - N/A
- (b) Willfulness/Negligence - N/A
- (c) History of Compliance - N/A
- (d) Ability to Pay - N/A
- (e) Environmental Project - N/A
- (f) Other Unique Factors - N/A

- 3. Economic Benefit - The economic benefit Respondent derived from non-compliance with this regulation was determined to be negligible, as the costs associated with the implementing and maintaining a program of classroom instruction or on the job training is less than \$2,500.00.
- 4. Recalculation of Penalty Based on New Information - N/A

PENALTY COMPUTATION WORKSHEET

Respondent: Lunn Industries, Inc

Facility Address: 1 Garvies Point Road, Glen Cove, New York
11542-2828

Requirement Violated: 6 NYCRR SS 373-1.1(d)(1)(iv)(d) and 373-
3.4(b). Failure to prepare and maintain
a contingency plan (Count 5).

PENALTY AMOUNT FOR COMPLAINT

1. Gravity based penalty from matrix.....\$2,999.00
 - (a) Potential for harm.....MINOR
 - (b) Extent of Deviation.....MAJOR
2. Select an amount from the appropriate multi-day matrix cell.....N/A
3. Multiply line 2 by number of days of violation minus 1.....N/A
4. Add line 1 and line 3.....\$2,999.00
5. Percent increase/decrease for good faith.....N/A
6. Percent increase for willfulness/negligence.....N/A
7. Percent increase for history of noncompliance....N/A
8. Total lines 5 through 7.....N/A
9. Multiply line 4 by line 8.....N/A
10. Calculate economic benefit.....N/A
11. Add lines 4, 9 and 10 for penalty amount to be inserted into the complaint.....\$2,999.00

NARRATIVE EXPLANATION TO SUPPORT COMPLAINT AMOUNT

Requirement Violated: 6 NYCRR §§ 373-1.1(d)(1)(iv)(d) and 373-3.4. Failure to prepare and maintain a contingency plan (Count 5).

1. Gravity Based Penalty

- (a) Potential for Harm - The potential for harm present in this violation was determined to be MINOR. The failure to prepare and maintain a contingency plan is typically considered to be a serious violation. In this particular case it was deemed to be minor due to the conditions prevailing in Respondent's hazardous waste storage area, including the fact that the area was paved and maintained in a generally orderly manner.
- (b) Extent of Deviation - The extent of deviation present in this violation was determined to be MAJOR. Respondent substantially deviated from the RCRA program by not having any contingency plan at the time of the inspections. The applicable cell ranges from \$1,500.00 to \$2,999.00. The high-cell value was chosen because of the seriousness of the violation.
- (c) Multiple/Multi-day - N/A.

2. Adjustment Factors

- (a) Good Faith - N/A
 - (b) Willfulness/Negligence - N/A
 - (c) History of Compliance - N/A
 - (d) Ability to Pay - N/A
 - (e) Environmental Project - N/A
 - (f) Other Unique Factors - N/A
3. Economic Benefit - The economic benefit Respondent derived from non-compliance with this regulation was determined to be negligible, as the costs associated with having a contingency plan for the Facility is less than \$2,500.00.
4. Recalculation of Penalty Based on New Information- N/A

PENALTY COMPUTATION WORKSHEET

Respondent: Lunn Industries, Inc.

Facility Address: 1 Garvies Point Road, Glen Cove, New York
11542-2828

Requirement Violated: 6 NYCRR §§ 372.2(a)(8)(ii), and 373-
1.1(d)(1)(iii) and (iv). On-site storage of
hazardous waste for more than 90 days
(Count 6).

PENALTY AMOUNT FOR COMPLAINT

1. Gravity based penalty from matrix.....\$ 5,000.00
 - (a) Potential for harm.....MODERATE
 - (b) Extent of Deviation.....MODERATE
2. Select an amount from the appropriate multi-day matrix cell.....N/A
3. Multiply line 2 by number of days of violation minus 1.....N/A
4. Add line 1 and line 3.....\$ 5,000.00
5. Percent increase/decrease for good faith.....N/A
6. Percent increase for willfulness/negligence.....N/A
7. Percent increase for history of noncompliance....N/A
8. Total lines 5 through 7.....N/A
9. Multiply line 4 by line 8.....N/A
10. Calculate economic benefit.....N/A
11. Add lines 4, 9 and 10 for penalty amount to be inserted into the complaint.....\$ 5,000.00

NARRATIVE EXPLANATION TO SUPPORT COMPLAINT AMOUNT

Requirement Violated: 6 NYCRR §§ 372.2(a)(8)(ii), and 373-1.1(d)(1)(iii) and (iv). On-site storage of hazardous waste for more than 90 days (Count 6).

1. Gravity Based Penalty

- (a) Potential for Harm - The potential for harm present in this violation was determined to be MODERATE. Unauthorized storage of hazardous waste for longer than 90 day periods poses a significant potential for the inadvertent release of hazardous waste since it can result in the indefinite storage with consequent detriment to the physical integrity of the containers.
- (b) Extent of Deviation - The extent of deviation present in this violation was determined to be MODERATE. Respondent's actions significantly deviated from the regulations designed to prevent mishandling and disposal of hazardous waste. Because of the specific conditions at the facility the low-cell was chosen.
- (c) Multiple/Multi-day - N/A.

2. Adjustment Factors

- (a) Good Faith - N/A
 - (b) Willfulness/Negligence - N/A
 - (c) History of Compliance - N/A
 - (d) Ability to Pay - N/A
 - (e) Environmental Project - N/A
 - (f) Other Unique Factors - N/A
3. Economic Benefit - The economic benefit Respondent derived from non-compliance with this regulation was determined to be negligible, as the costs associated with shipping the wastes on time does not affect the Facility.
4. Recalculation of Penalty Based on New Information - N/A

ATTACHMENT II

EXTENT OF DEVIATION FROM REQUIREMENT

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	MAJOR	MODERATE	MINOR
MAJOR	\$25,000 TO 20,000	\$19,999 TO 15,000	\$14,999 TO 11,000
MODERATE	\$10,999 TO 8,000	\$7,999 TO 5,000	\$4,999 TO 3,000
MINOR	\$2,999 TO 1,500	\$1,499 TO 500	\$499 TO 100

ATTACHMENT III

MULTI-DAY MATRIX

EXTENT OF DEVIATION FROM REQUIREMENT

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	MAJOR	MODERATE	MINOR
MAJOR	\$5,000 TO 1,000	\$4,999 TO 750	\$3,000 TO 550
MODERATE	\$2,200 TO 400	\$1,600 TO 250	\$1,000 TO 150
MINOR	\$600 TO 100	\$300 TO 100	\$100

FOIA Report of Non-Sensitive Compliance Monitoring and Enforcement Data

Report run on: April 1, 2016 - 1:14 PM

Version 5.0

User Selection Criteria

Location:	New York, all activities	Activity Location:	None Chosen
Handler ID:	NYR000001420	Group of IDs:	None Chosen
Handler Name:			
Handler Universe:	All Facilities Regardless of Universe		
Determined Date Range:	From: 10/01/1980 To: 04/01/2016		
Location County Code:	None Chosen	Evaluation Type:	
Location City:		Focus Area:	
Location Zip Code:		Violation Type:	
State District:	None Chosen	Display Code Descrip.:	Yes
Sort Order:	Region, State, Handler Name	Display Universes:	Yes

Results

Data meeting the criteria you selected follows.

Total Pages:6 Total Handlers:1

Report Description

This report presents available information from the Resource Conservation and Recovery Act Information System (RCRAInfo) about compliance evaluations, violations, and enforcement actions meeting the criteria supplied by the user. Evaluations showing no violations does not always indicate that no violations were determined. Violation without enforcement actions does not always mean no enforcement action will be issued. In order to avoid releasing enforcement sensitive information to the public the following information is not shown on the report: pending civil / judicial referrals, criminal actions and referrals, and State to EPA referrals; all other enforcement actions are released.

Report Information

Name: cme_foia.rdf
Developed by: EPA Headquarters, Office of Enforcement and Compliance Assurance
Deployed: June 2006
Last Updated: May 2012
Contact: rcrainfo.help@epa.gov
Tables Used: cmecomp3, ccitation3, hreport_univ5, lu_citation, lu_state, hid_groups
Libraries: none

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GENERAL DYNAMICS ARMAMENT & TECHNICAL

County Name / Code: NASSAU / NY059

NYR000001420

Location: 1 GARVIES POINT RD; GLEN COVE, NY 11542-2828

REGION 02

Mailing: 1 GARVIES POINT RD; GLEN COVE, NY 11542-2828

Activity Location: NY	State District: NYSDEC R1	Accessibility:	Non-Notifier:	Extract Flag: Y	Active Site: Y
Generator: SQG	Transporter: N	Operating TSDF: -----	IC In Place: N	El Indicator (HE / GW): N / N	
Short-Term Gen: N	Transfer Facility: N	Offsite Receiver: N	HSM: N	Subpart K: -----	
Full Enforcement: -----	Converter: -----	State Unaddressed SNC: N	EPA Unaddressed SNC: N		
CA Wrkld: N	State TSDF: -----	State Addressed SNC: N	EPA Addressed SNC: N		
Active State Gen: N		State SNC w/Comp Sched: N	EPA SNC w/Comp Sched: N		

Violation: Activity Location: NY	Type: 262.B	Determined Date: 12/16/1999	Determined by Agency: State	Responsible Agency: State
Scheduled Compliance Date: 01/21/2000		Actual Compliance Date: 01/20/2000	RTC Qualifier: OBSERVED	Sequence Number: 1
CEI Evaluation 12/16/1999	Activity Location: NY	By: State	Identifier: 000	Person: NYSSE
Citizen Complaint: NO	Multimedia Inspection: NO	Sampling: NO	Not Subtitle C: NO	Branch: R1
			Day Zero:	Found Violation: YES
				Focus Area:
Enforcement: Activity Location: NY	Type: 120	Action Date: 12/21/1999	Identifier: 000	
Docket:	Agency: State	Responsible Person: NYSSE	Branch: R1	
CA Component: N	Disposition Status:	Appeal Initiated:	Appeal Resolved:	

Violation: Activity Location: NY	Type: 262.A	Determined Date: 12/16/1999	Determined by Agency: State	Responsible Agency: State
Scheduled Compliance Date: 01/21/2000		Actual Compliance Date: 01/20/2000	RTC Qualifier: OBSERVED	Sequence Number: 2
CEI Evaluation 12/16/1999	Activity Location: NY	By: State	Identifier: 000	Person: NYSSE
Citizen Complaint: NO	Multimedia Inspection: NO	Sampling: NO	Not Subtitle C: NO	Branch: R1
			Day Zero:	Found Violation: YES
				Focus Area:
Enforcement: Activity Location: NY	Type: 120	Action Date: 12/21/1999	Identifier: 000	
Docket:	Agency: State	Responsible Person: NYSSE	Branch: R1	
CA Component: N	Disposition Status:	Appeal Initiated:	Appeal Resolved:	

Violation: Activity Location: NY	Type: 262.A	Determined Date: 06/01/1999	Determined by Agency: EPA	Responsible Agency: EPA
Scheduled Compliance Date:		Actual Compliance Date: 07/05/1999	RTC Qualifier: OBSERVED	Sequence Number: 2
Former Citation - SR - 6nycrr372.2(a)(8)(ii)				
CEI Evaluation 05/06/1999	Activity Location: NY	By: EPA	Identifier: 000	Person: R2MD
Citizen Complaint: NO	Multimedia Inspection: NO	Sampling: NO	Not Subtitle C: NO	Branch: RCB
			Day Zero:	Found Violation: YES
				Focus Area:
No Linked Enforcements				

Violation: Activity Location: NY	Type: 262.A	Determined Date: 07/05/1995	Determined by Agency: EPA	Responsible Agency: EPA
Scheduled Compliance Date: 07/14/1995		Actual Compliance Date: 03/28/1996	RTC Qualifier: OBSERVED	Sequence Number: 1
Former Citation - FR - 40 CFR 262				
CEI Evaluation 06/14/1995	Activity Location: NY	By: EPA	Identifier: 000	Person: R2MD
Citizen Complaint: NO	Multimedia Inspection: YES	Sampling: NO	Not Subtitle C: NO	Branch: RCB
			Day Zero:	Found Violation: YES
				Focus Area:

* Note: Penalty amount may not reflect all violations cited.

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GENERAL DYNAMICS ARMAMENT & TECHNICAL, NYR000001420, GLEN COVE, NY, continued -

Enforcement:	Activity Location: NY	Type: 310	Action Date: 04/04/1997	Identifier: 001
Docket: 02-1996-0040		Agency: EPA	Responsible Person: R2MD	Branch: RCB
CA Component: N	Disposition Status:		Appeal Initiated:	Appeal Resolved:
Enforcement:	Activity Location: NY	Type: 210	Action Date: 03/28/1996	Identifier: 000
Docket: 02-RCRA-96-0040		Agency: EPA	Responsible Person: R2MD	Branch: RCB
Penalty Information: Proposed: \$20,249		Final Monetary: \$14,000	Collected:	Total Final: \$14,000
CA Component: N	Disposition Status:		Appeal Initiated:	Appeal Resolved:

Evaluations With No Violations:

CEI Evaluation	10/12/2005	Activity Location: NY	By: State	Identifier: 001	Person: NYKMY	Branch: R1	Found Violation: NO
Citizen Complaint: NO		Multimedia Inspection: NO	Sampling: NO	Not Subtitle C: NO	Day Zero:		Focus Area:
CEI Evaluation	06/20/1997	Activity Location: NY	By: EPA	Identifier: 000	Person: R2MD	Branch: RCB	Found Violation: NO
Citizen Complaint: NO		Multimedia Inspection: NO	Sampling: NO	Not Subtitle C: NO	Day Zero:		Focus Area:
CEI Evaluation	05/06/1996	Activity Location: NY	By: EPA	Identifier: 003	Person: R2MD	Branch: RCB	Found Violation: NO
Citizen Complaint: NO		Multimedia Inspection: NO	Sampling: NO	Not Subtitle C: NO	Day Zero:		Focus Area:
SNN Evaluation	03/28/1996	Activity Location: NY	By: EPA	Identifier: CV3	Person:	Branch:	Found Violation: NO
Citizen Complaint: NO		Multimedia Inspection: NO	Sampling: NO	Not Subtitle C: NO	Day Zero:		Focus Area:
SNY Evaluation	07/05/1995	Activity Location: NY	By: EPA	Identifier: CNV	Person:	Branch:	Found Violation: N/A
Citizen Complaint: NO		Multimedia Inspection: NO	Sampling: NO	Not Subtitle C: NO	Day Zero:		Focus Area:
NRR Evaluation	06/14/1995	Activity Location: NY	By: EPA	Identifier: 001	Person: R2MD	Branch: RCB	Found Violation: NO
Citizen Complaint: NO		Multimedia Inspection: NO	Sampling: NO	Not Subtitle C: NO	Day Zero:		Focus Area:
CEI Evaluation	05/06/1995	Activity Location: NY	By: EPA	Identifier: 003	Person: R2MD	Branch: RCB	Found Violation: NO
Citizen Complaint: NO		Multimedia Inspection: NO	Sampling: NO	Not Subtitle C: NO	Day Zero:		Focus Area:

Orphan Enforcement Actions:

Enforcement:	Activity Location: NY	Type: 120	Action Date: 06/01/1999	Identifier: 000
Docket:		Agency: EPA	Responsible Person: R2MD	Branch: RCB
CA Component: N	Disposition Status:		Appeal Initiated:	Appeal Resolved:

Total Number of Handlers:	1
Total Number of Activity Locations:	1

* End of Report *

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Description of codes used on the report:

Universes	Description of Universes
Generator	Indicates that the facility is a Large Quantity Generator (LQG), Small Quantity Generator (SQG), Conditionally Exempt Small Quantity Generator (CEG), or not a generator (N).
Transporter	Indicates that the facility Transports waste subject to RCRA regulations. ('Y' indicates that the facility is in this universe).
Operating TSDF	Indicates that the facility is a Treatment, Storage or Disposal facility subject to any type of enforcement. It then specifies the type of facility (L - Land Disposal; I - Incinerator; B - BIF; S - Storage; T - Treatment)
IC in Place	Indicates that the facility has Institutional Controls in place. ('Y' indicates that the facility is in this universe).
EI Indicator (HE / GW)	Indicates that the facility has controls in place for Environmental Indicators. HE - Human Exposures ('+' indicates the exposure exists and is under control; '-' indicates the exposure exists and is not under control; 'N' indicates the exposure does not exist) GW - Groundwater Release ('+' indicates the exposure exists and is under control; '-' indicates the exposure exists and is not under control; 'N' indicates the exposure does not exist)
Short-Term Gen	Indicates that the facility is a short term or one time event generator and not generating from ongoing processes.
Transfer Facility	Indicates that the facility transfers hazardous waste.
Offsite Receiver	Indicates that the facility, whether public or private, currently accepts hazardous waste from another site (site identified by a different EPA ID).
HSM	Indicates that the facility manages hazardous secondary material(s) (e.g. spent material, by-product or sludge) that when discarded, would be identified as hazardous waste.
Subpart K	Indicates that the facility has opted into the subpart K laboratory rule. It then specifies the type of facility (C - College or University; H - Teaching Hospital; N - Non-profit Research Institute; W - withdrawal from the rule)
Full Enforcement	Indicates that the facility is a Treatment, Storage or Disposal facility which is part of the Full Enforcement universe. It then specifies the type of facility (L - Land Disposal; I - Incinerator; B - BIF; S - Storage; T - Treatment)
CA Workload	Indicates that the facility is part of the Corrective Action Workload universe. ('Y' indicates that the facility is in this universe).
Active State Gen	Indicates that the facility is an Active State Generator. ('Y' indicates that the facility is in this universe).
Converter	Indicates that the facility is a Converter Treatment, Storage or Disposal facility. It then specifies the type of facility (L - Land Disposal; I - Incinerator; B - BIF; S - Storage; T - Treatment)
State TSDF	Indicates that the facility is a State Treatment, Storage or Disposal facility. It then specifies the type of facility (L - Land Disposal; I - Incinerator; B - BIF; S - Storage; T - Treatment)
State Unaddressed SNC	Indicates that the facility is a State Unaddressed Significant Non-Complier. ('Y' indicates that the facility is in this universe).
State Addressed SNC	Indicates that the facility is a State Addressed Significant Non-Complier. ('Y' indicates that the facility is in this universe).
State SNC w/ Compl. Sched	Indicates that the facility is a State Significant Non-Complier with a Compliance Schedule. ('Y' indicates that the facility is in this universe).
EPA Unaddressed SNC	Indicates that the facility is an EPA Unaddressed Significant Non-Complier. ('Y' indicates that the facility is in this universe).
EPA Addressed SNC	Indicates that the facility is an EPA Addressed Significant Non-Complier. ('Y' indicates that the facility is in this universe).
EPA SNC w/ Compl. Sched	Indicates that the facility is a EPA Significant Non-Complier with a Compliance Schedule. ('Y' indicates that the facility is in this universe).

* Note: Penalty amount may not reflect all violations cited.

FOIA Report of Non-Sensitive Compliance Monitoring and Enforcement Data

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Description of codes used on the report:

ACCESSIBILITY - indicates the reason why the handler is not accessible for normal RCRA tracking and processing (previously called Bankrupt Indicator):	
Code	Description
B	indicates that the handler has filed for bankruptcy and bankruptcy litigation is in process.
C	indicates that all RCRA responsibilities for permitting/closure, corrective action, and compliance monitoring and enforcement at the facility have been formally transferred to the CERCLA program or state equivalent.
F	indicates that all responsible parties (owners/operators) for the handler have fled the country or are otherwise not available for prosecution.
L	indicates that the handler's case is tied up in litigation to the extent that further progress in achieving RCRA compliance through normal enforcement is not possible.

NON-NOTIFIER - indicates that the handler has been identified through a source other than Notification and is suspected of conducting RCRA-regulated activities without proper authority:	
Code	Description
E	indicates that the handler was initially a non-notifier, subsequently determined to be exempt from requirements to notify.
O	indicates that the handler is a former non-notifier.
X	indicates that the handler is a non-notifier.

Violation Type	Description
262.A	GENERATORS - GENERAL
262.B	GENERATORS - MANIFEST

Evaluation Type	Type Description
CEI	COMPLIANCE EVALUATION INSPECTION ON-SITE
NRR	NON-FINANCIAL RECORD REVIEW
SNN	NOT A SIGNIFICANT NON-COMPLIER
SNY	SIGNIFICANT NON-COMPLIER

* Note: Penalty amount may not reflect all violations cited.

FOIA Report of Non-Sensitive Compliance Monitoring and Enforcement Data

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Description of codes used on the report:

Enforcement Type	Enforcement Description
120	WRITTEN INFORMAL
210	INITIAL 3008(A) COMPLIANCE
310	FINAL 3008(A) COMPLIANCE ORDER

* Note: Penalty amount may not reflect all violations cited.